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MUNICIPAL DOCUMENT

AGENDAS/MINUTES
COMMITTEE OF THE WHOLE
CITY OF HAMILTON

DEC. 3, 2002... DEC 20/02

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City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 02-042

Tuesday, December 3, 2002

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.hamilton.on.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. ADOPTION OF MINUTES

- 2.1 November 26, 2002 (to be distributed)

3. DELEGATION REQUESTS

- 3.1 Request to address the Hearings Sub-Committee by Chief Roberta Jamieson, Six Nations of the Grand River Territory respecting the "First Nations Governance Act"
- 3.2 Request to address the Hearings Sub-committee by Ms. Suzanne Brown, Social Planning and Research Council respecting report on poverty and homelessness in the community

4. CONSENT ITEMS

- 4.1 Declaration of Surplus Lands, 315 Dundas Street East (Chestnut Grove), Waterdown (CS02100) (Ward 15)
- 4.2 Firework Display - Hamilton Winterfest Carnival (CS02102) (Ward 2)
- 4.3 Procedural By-law Amendments (FCS02116) (City Wide)
- 4.4 Monthly Status Report of Tenders and Requests for Proposals - October (FCS02014(j))) (City Wide)
- 4.5 Glencairn Avenue and Central Avenue - Request for Northbound Stop Control (TOE02213) (Ward 4)
- 4.6 Glanbrook Landfill Co-ordinating Committee September and October Proceedings (TOE02209) (Ward 11)
- 4.7 Declaration of Surplus Lands, former Tweedside Church, 1145 Mud Street East, Stoney Creek (CS02098) (Ward 11)
- 4.8 Information Technology Strategy Update (FCS02140) (City Wide)
- 4.9 Removal of Holding Symbol for Block 163, Plan 62M-831, Tranquillity Avenue - Empire Foxwood Townhomes (PD02237) (Ward 12)

Agenda

- 4.10 Demolition Permit - 19 Dundurn Street North (PD02241) (Ward 1)
- 4.11 Demolition Permit - 17 Dundurn Street North (PD02240) (Ward 1)
- 4.12 Demolition Permit - 21 Dundurn Street North (PD02242) (Ward 1)
- 4.13 Request for the Payment of Cash-in-Lieu of Parking for the Property Located at 246 Dundurn Street South (former city of Hamilton) (PD02246) (Ward 1)
- 4.14 Declaration of Surplus Property - Rear of 1545 Stone Church road East, Hamilton (CS02099) (Ward 6)
- 4.15 Firework Display - Millgrove Park (CS02101) (Ward 15)
- 4.16 Amalgamation of the Hamilton Housing Corporation employees into the City of Hamilton Group Number for OMERS (FCS02132) (City Wide)

5. PRESENTATIONS

None

DISCUSSION ITEMS**6. CITY MANAGER**

None

7. COMMUNITY SERVICES

- 7.1 Aquafit User Fees (CS02001(b)) (City Wide)

8. CORPORATE SECRETARIAT

None

9. ECONOMIC DEVELOPMENT

None

10. FINANCE AND CORPORATE SERVICES

10.1 City of Hamilton Development Charge Reserves Status Report as at December 31, 2002 (FCS02073) (City Wide)

10.2 D.A.R.T.S. Operating Cost - Advance (FCS02134) (City Wide)

11. HUMAN RESOURCES

None

12. PLANNING AND DEVELOPMENT

12.1 The Fees for Services/Activities By-law, Building and Licensing Division (PD02119) (City Wide)

12.2 The Roles and Responsibilities of the Committee of Adjustment - Follow-up report to Outstanding Business Item V (PD02116(a)) (City Wide)

12.3 Sign Variance Application SV-02-02 for Part Lot 30, Concession 1 (Former Town of Flamborough) (PD02238) (Ward 14)

13. SOCIAL AND PUBLIC HEALTH SERVICES

13.1 Bus Pass Subsidy Program for Individuals on Ontario Disability Support Program (O.D.S.P) (SPH02030) (City Wide)

13.2 The 2003 National Child Benefit Interim Strategy SPH02016(a)) (City Wide)

14. TRANSPORTATION, OPERATIONS AND ENVIRONMENT

14.1 2003 Fare Increase Options (TOE02218) - (City Wide)

15. JOINT DEPARTMENTAL REPORTS

None

16. REPORTS BY SUB-COMMITTEES

16.1 Councillors' Remuneration and Expense Review Committee - One Third Expense Allowance (FCS02139)

17. REPORTS BY THE VOLUNTEER CO-ORDINATING COMMITTEES

None

18. MOTIONS

None

19. NOTICES OF MOTIONS

None

20. GENERAL INFORMATION

None

21. PRIVATE AND CONFIDENTIAL

None

22. ADJOURNMENT

OUTSTANDING BUSINESS

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
A.	Report on Colliers Recommendations – HECFI Facilities	March 28/01	Community Services		2002 - Q1
B.	Demolition of 226 Avondale Street	April 25/01	N/A		TABLED by Ward Councillor
C.	Toll for Red Hill Creek Expressway	Nov 21/01	TOE/Finance	Staff to bring a report back on option for tolling Red Hill Creek Expressway	Awaiting Provincial Regulations
D.	Spreading of Biosolids	Nov 21/01	Transportation and Environment	TABLED pending Staff report	
E.	Community Safety Zones	Dec5/01	Transportation and Environment	Tabled at Community Safety Zones Sub-Committee	
F.	People's Panel	Dec5/01	TBD	Staff to report back on financial and staffing implications, selection process, terms of reference and implementation timeline	
G.	Council Communication - Residential Care Facilities	Jan. 23/02	Social and Public Health Services	Referred to staff for comments	
H.	Strategy to attract Factory Outlet stores	Feb. 13/02/further updated on August 6/02	Economic Development	Staff to bring implementation plan to Committee	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
I.	Strategy for prioritizing abandoned industrial and commercial warehouse structures	Feb. 13/02 Aug. 13/02 follow-up request made	CMT	Staff to bring implementation plan to Committee	
J.	Revenue issues regarding billings and chargebacks	HSC - February 20/27	Finance and Corporate Services	Referred to staff for a report back	December 2002
K.	Remuneration and Expenses	March 5/02	Finance and Corporate Services	Staff to report back in future reports highlighting offsetting revenues which create a net expenditure, consultation with Councillors, indication of expenses authorized as Council expenses	March 2003
L.	Pest Control	May 7/02	Planning and Development	Staff to report back on control of pests/rodents prior to demolition permit issued	
M.	Hannon Post Office	May 7/02	Corporate Secretariat	Staff to report back on possibility of address changes that align with telephone exchanges	
N.	Correspondence from Hamilton District Labour Council/HUC Corporation Position Paper	Apr. 30/02	F&CS and HUC	Staff to bring report back	
O.	HR Matters	May 7/02	Economic Development	Staff to report back	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
P.	Municipal Tax Competitiveness Study	May 23/02	Finance and Corporate Services	Referred to a Future COW in September	Nov./02
Q.	Options for returning profits - Hydro	June 10/02	Finance and Corporate Services	Staff to report back with options for returning profits	
R.	Capital Program to modify mountable curb driveway approaches	July 2/02	TOE	Three sections tabled pending public consultation	
S.	Uncovered crossovers on highways	August 6/02	Risk Management and Legal	Staff to bring report back on uncovered crossovers on highways	
T.	Delivery of ambulance services, response times, standards, dispatch	August 6/02	Chief Peace	Staff to bring report back on status of delivery	
U.	Floating Casino - West Harbour	August 13/02	Legal Services	Staff to report back on feasibility of securing a casino license for floating casino	Nov./02
V.	Downtown cleanliness	August 13/02	TOE	Staff to report back on how much it cost to keep the downtown clean prior and during FCM	
W.	Correspondence from Ministry of Transportation respecting Highway 6 from Highway 5 to Concession	Council Communication of July 10, 2002	TOE	Staff to report back to Committee of the Whole	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
X.	Correspondence from Mr. Reginald Beaudry respecting Tree Species List	Council Communication of September 11, 2002	Community Services	Staff to report back to Committee of the Whole as part of the Forestry Management Plan exercise	
Y.	Hamilton Future Fund	Sept. 10/02	Finance and Corporate Services	Staff to provide monthly reports to Council and Trustee Panel on the approved projects to assist in monitoring	Ongoing
Z.	Services Review - City Maintenance Operations	Sept/10/02	City Manager	City Manager to provide ongoing and final reports to Council on behalf of the Services Review Committee	Ongoing
AA.	Report of the Accommodations Study Sub-Committee	Sept. 10/02	Community Services	A meeting of the sub-committee to occur. Staff directed to report back	Nov./02
BB.	Motion - ODSP Bus Pass	Sept. 10/02	Social and Public Health	Staff to report back on feasibility of a subsidy program	
CC.	Fee Waiver Policy	Sept. 10/02	Community Services	Staff to report back as part of the annual budget on the extent to which the City subsidizes third party use	Budget Deliberations

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
DD.	Hamilton's Wastewater System	Sept. 17/02	TOE	Staff to investigate possible partnership re: dredging of the Windemere basin, Updates on compliance, overstrength and surcharge agreements	
EE.	Subsection g) HMRF/HWRF Pension Administration Sub-Committee Report	Sept. 24/02	COW	Tabled pending delegation from Hamilton Police Association appearing at HSC	
FF.	Development charges and building permit fees for the Hamilton Regional Cancer Centre and St. Joseph's Healthcare	Sept. 17/02	City Manager/ Finance and Corporate Services/ Planning and Development	Deferred for one month	November/ 02
GG.	By-law to regulate posterage of signs on public property	Sept. 17/02	TOE & FCS	Staff to prepare by-law to regulate	
HH.					
II.					



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Administration

519-445-2201

(f) 519-445-4208

Health Services

445-2418

(f) 445-0368

Housing

445-2235

(f) 445-2778

Lands/Membership

445-4613

(f) 445-2778

Parks & Recreation

445-4311

(f) 445-4401

Public Works

445-4242

(f) 445-4763

Research

445-2053

(f) 445-2463

Secondary Services

445-2351

(f) 445-0368

Social Services

445-0232

(f) 445-1783

Welfare

445-2084

(f) 445-0133

Website

www.sixnations.ca

Mayor Robert E. Wade
City of Hamilton

November 7th, 2002

Dear Robert:

Re: First Nations Governance Act

As a follow-up to my letter dated May 2002, I am writing to formally request an opportunity to present to your Council on the subject of the "First Nations Governance Act" and to answer and questions you might have about the Government's planned impositions, and to enlist your support.

I anticipate that this item will require about 20 to 30 minutes of the Council's agenda time. I trust this information will assist you in your planning and I will have my assistant Julie Monture follow-up with your office in finalizing the details.

Sincerely,

for Chief Roberta Jamieson
Six Nations of the Grand River Territory

Mary Gallagher,
City Clerk
Hearing Sub-Committee
City Hall
71 Main St. W.
Hamilton, ON
L8N 3T4

Dear Ms. Gallagher;

I am writing to request time on the agenda of the Hearing Sub-Committee for the Social Planning and Research Council of Hamilton. The SPRC has been active in the area of homelessness for a number of years, and have recently written a report on poverty and homelessness in our community. We would like to share some of the information we have gathered with Council. These issues have a significant impact on the social well-being of our community in many ways, and are of concern to the citizens of Hamilton.

I can be contacted at the Social Planning and Research Council of Hamilton, 255 West Ave. North, Hamilton, ON, L8L 5C8 (905-522-1148 ext. 310) if you have any questions regarding our presentation. Thank-you for considering this request.

Sincerely,

Suzanne Brown
Senior Social Planner

CITY OF HAMILTON

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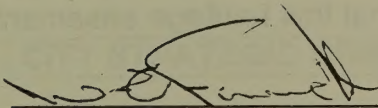
**COMMUNITY SERVICES DEPARTMENT
Corporate Buildings & Real Estate**

Report to: Mayor and Members Committee of the Whole	Submitted by: William E. Fenwick, A/General Manager
Date: November 21, 2002	Prepared by: Wm. Farkas 905-628-4300

SUBJECT: Declaration of Surplus Lands, 315 Dundas Street East, (Chestnut Grove), Waterdown (CS02100) (Ward 15)

RECOMMENDATION:

- (a) That the City owned lands located at 315 Dundas Street East, Waterdown in the former Town of Flamborough, now in the City of Hamilton, designated as Part Lot 6 Plan M8, comprising an area of 1,497.39 square meters (16118.29 square feet) and improved with an historical building circa 1880, be declared surplus to the requirement of the City of Hamilton in accordance with the City of Hamilton Real Property Sale Procedural By-Law 95-049 and the former Town of Flamborough By-law No. 95-15-P;
- (b) That the Corporate Building and Real Estate Division be authorized and directed to sell the subject property in accordance with the Real Property Sale Procedural By-Law 95-049 and Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters.



William E. Fenwick, A/General Manager
Community Services

EXECUTIVE SUMMARY:

On August 14, 2002 City Council approved Item 32 of Report 02-028 of the Committee of the Whole recommending that the community groups housed at 315 Dundas St East, Waterdown be relocated to the former Flamborough Town Hall in anticipation of 315 Dundas Street East being declared surplus and sold.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 15.

The Town of Flamborough purchased this property in 1984 in order to prevent it from being demolished in favour of a parking lot. During the next five years, the Town received financial assistance from the Ministry of Culture and Recreation to renovate the dwelling. The Town of Flamborough designated the house (Chestnut Grove) a heritage property under the Ontario Heritage Act on November 2, 1987. Upon renovation the house was made available to groups/organizations that were willing to provide services to the Flamborough community. The groups offered space in the building were originally funded by the Flamborough Community Services Department, but this agreement was terminated when these groups agreed to provide their services free of charge in return for the Town providing the space and upkeep/maintenance of the building.

In order to best utilize the City's real estate assets and to better accommodate the groups/organizations domiciled at 315 Dundas Street East these groups were recently relocated to 163 Dundas Street East (the former Flamborough Town Hall) by the Corporate Buildings and Real Estate Division. The subject now stands vacant. Pursuant to City of Hamilton Real Property Sale Procedural By-Law 95-049 the Real Estate Section has completed a circulation to all relevant city departments and related agencies of its intent to dispose of the subject property on the open real estate market. No expressions of interest in the property for alternative uses were received by any of the city departments or related agencies included in the circulation.

The Planning Department responded to the circulation noting that the subject is designated as "Business District " on Schedule "A" – Waterdown Urban Area Land Use Plan in the Flamborough Official Plan and that the property is zoned "BD" Business District. The Planning Department also noted that the subject dwelling is designated Heritage Property under the Ontario Heritage Act. In order to protect the subject dwelling from demolition they recommended that a heritage easement or covenant be a condition of the proposed sale. The Planning Department also advised that this heritage easement be registered against the property at the Registry Office.

This recommendation is consistent with the goal of managing the real estate assets of the city by identifying surplus properties and disposing of them on the open market.

ANALYSIS OF ALTERNATIVES:

A circulation to relevant city departments could not identify alternative municipal uses for the subject property. Similarly, the outside agencies contacted did not indicate any interest in purchasing 315 Dundas Street from the City for any current or future uses.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

Upon sale to the private sector the property will become taxable and will contribute new employees to the Waterdown business district.

Staffing

Municipal staff do not utilize the subject property.

Legal Implications

Registering a heritage easement against the property will be a condition of the sale of the property.

POLICIES AFFECTING PROPOSAL:

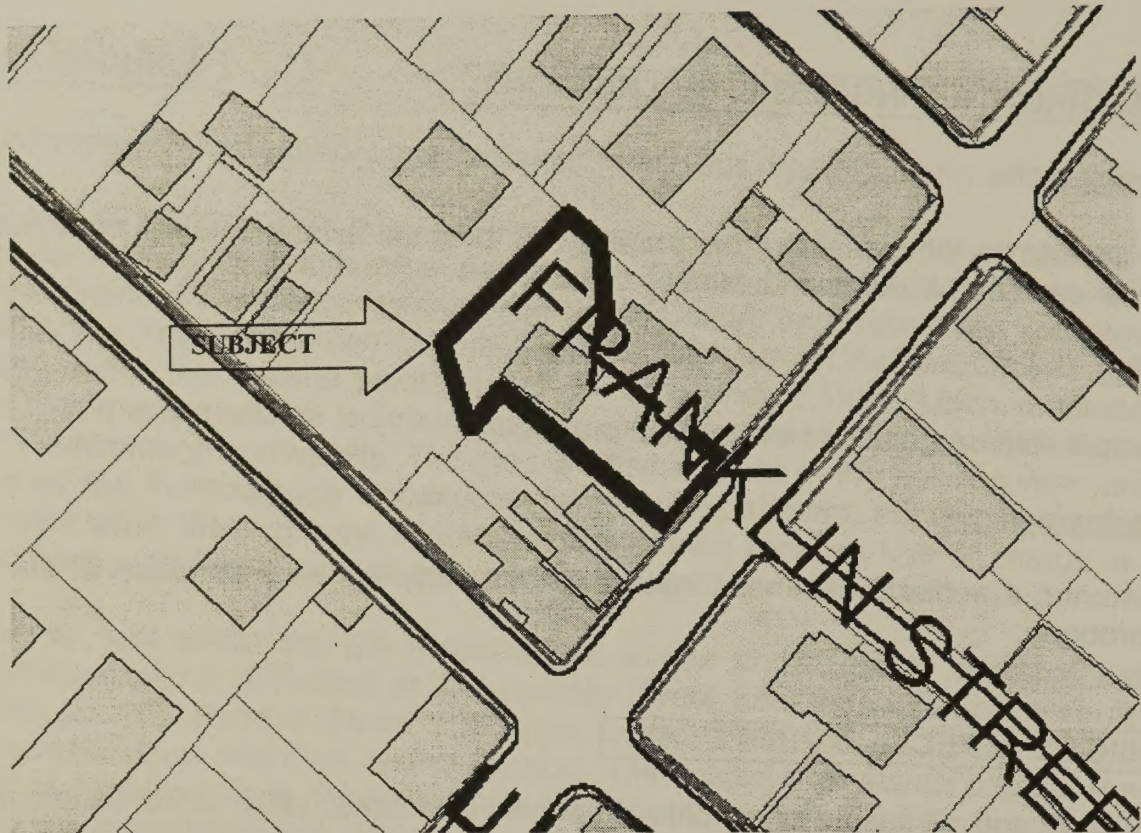
Identifying and disposing of surplus properties at market value is consistent with the effective management of the realty assets of the City of Hamilton.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

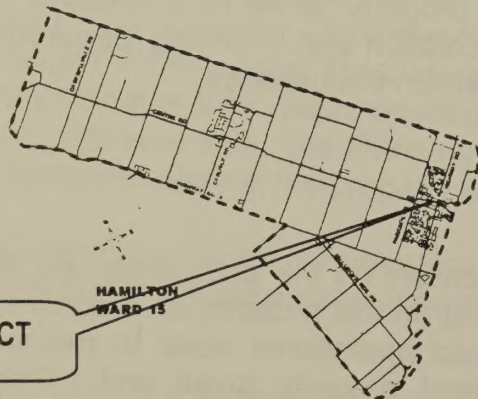
The Real Estate Section communicated with various City departments and outside agencies with respect to the disposal of the subject property. While no alternative uses were identified in this process the Culture and Recreation and Planning Departments provided valuable comments with respect to the protection the property.

CITY STRATEGIC COMMITMENT:

The social and cultural impacts of this recommendation on the community are to be protected with the registration of a heritage easement on this property as a condition of the sale. The economic impacts include the reduced operational costs to maintain a vacant structure. Positive impacts include increased property taxes and increased employment opportunities in Waterdown.



KEY MAP

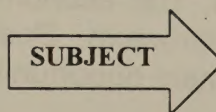


LOCATION PLAN

**315 DUNDAS STREET EAST
WATERDOWN**

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND



SUBJECT LAND

SCALE
NOT TO SCALE

DATE
2002-11-18

REFERENCE FILE NO: **2002-135**

CITY OF HAMILTON

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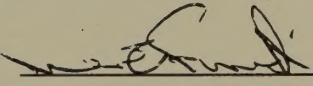
COMMUNITY SERVICES DEPARTMENT Culture & Recreation Division

Report to: Mayor and Members Committee of the Whole	Submitted by: William E. Fenwick, Acting General Manager
Date: November 19, 2002	Prepared by: Marie Worne 546-4646

**SUBJECT: Firework Display – Hamilton Winterfest Carnival
(CS02102) (Ward 2)**

RECOMMENDATION:

That approval be granted under the Standard Terms and Conditions of the Special Event Guidelines and with respect to the Fireworks By-law and the Parks By-law 01-219, to the Acting General Manager of Community Services or designate to conduct a fireworks display on February 1, 2003 at Pier 4 Park in conjunction with the Hamilton Winterfest Carnival.



William E. Fenwick, Acting General Manager
Community Services Department

EXECUTIVE SUMMARY:

Winterfest is an annual event hosted by the City of Hamilton and the purpose of this report is to seek approval for a Fireworks display to take place during the Hamilton Winterfest Carnival on February 1, 2003.

Hands Fireworks has been hired for the event to conduct a low level display.

BACKGROUND:

The recommendation/information contained in report CS02101 have implications affecting Ward 2.

**SUBJECT: Firework Display for Winterfest and Millgrove Wedding (CS02102)
(Ward 2) - Page 2 of 2**

In the past, a fireworks display has been a component of Hamilton Winterfest. Next years event organizers are planning to once again hold a fireworks display in conjunction with the Winterfest dance at the Leander Boat Club on February 1, 2003.

Winterfest activities are scheduled throughout the City of Hamilton commencing on January 30th with Opening Ceremonies at Gore Park and concluding on February 3rd, 2003.

ANALYSIS OF ALTERNATIVES:

Council is required to approve all fireworks display in the new City of Hamilton in accordance with existing municipal by-laws and federal government regulations.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Parks By-law requires that permission must be obtained from the owner of the public park to hold firework displays and to hold carnival rides in a park.

The Fireworks By-law 90-198, Section 17 (01) and Section 26, requires the applicant to obtain permission of the owner of the site or an authorized representative thereof, to set off or hold a display of fireworks.

POLICIES AFFECTING PROPOSAL:

All fireworks displays must comply with the municipal Fireworks & Parks by-laws. All applicants must adhere to the Special Events Guidelines/Policy and staff will work together with organizers to ensure all guidelines/policies are adhered to.

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

Parks Division
Hamilton Emergency Services

CITY STRATEGIC COMMITMENT:

The events are consistent with the goals and objectives of Vision 2020 thus contributing to the quality of life of the citizens of new city of Hamilton.

CITY OF HAMILTON

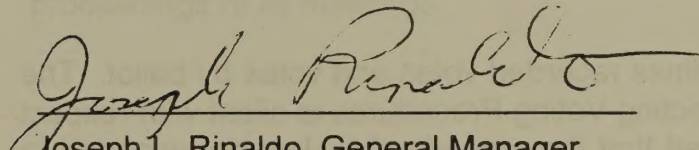
4.3

FINANCE & CORPORATE SERVICES
Office of the City Clerk

Report to: Mayor and Members Committee of the Whole	Submitted by: Joseph L. Rinaldo, General Manager
Date: November 7, 2002	Prepared by: Rose Caterini 540-5409

SUBJECT: Procedural By-law Amendments (FCS02116) (City Wide)**RECOMMENDATION:**

That the attached By-law to amend the Rules and Procedures of Council and Committees be forwarded to Council for approval.


Joseph L. Rinaldo, General Manager
Finance & Corporate Services**EXECUTIVE SUMMARY:**

An annual initiative of the Office of the Clerk is to review the procedural by-law and provide for changes resulting from Legislated initiatives, Council directives, or simple housekeeping amendments. The attached by-law reflects a number of changes including a reference to Council being the Board of Health, the annual reporting requirements of the Hamilton Utility Commission to Council and other changes from the new *Municipal Act*.

BACKGROUND:**Board of Health**

The *City of Hamilton Act, 1999*, gives Council powers, rights and duties of the Board of Health under the *Health Protection and Promotions Act, R.S.O., 1990*. Council, as the Board of Health, shall adhere to all legislated requirements of the *Health Protection and Promotions Act*. The conduct of the Board of Health meetings shall be in the same form and manner as the Committee of the Whole meetings of Council. (See attached by-law for amendment to Section 5 respecting Proceedings of the Committee of the Whole).

Hamilton Utilities Corporation

According to the Shareholder Declaration Agreement between the City of Hamilton and the Hamilton Utilities Corporation (HUC), within 6 months after the end of each fiscal year of HUC, the Board is required to report to a meeting of Council and provide information concerning the Corporation and its subsidiaries. Council, as the Shareholder, is responsible for appointing the necessary members of the Board and shall appoint the auditors for the Corporation. (See attached by-law for amendment to Section 5 respecting Proceedings of the Committee of the Whole)

New Municipal Act

The section of the *Municipal Act* respecting 'Closed Meetings' will be changing with the implementation of the New *Municipal Act*, effective January 1, 2003. Currently, the *Municipal Act* allows for in camera meetings where there is 'a proposed or pending acquisition of land for municipal or local board purposes'. The new *Municipal Act* will allow for the 'pending acquisition or disposition' of land.

Housekeeping Amendments

Section 61 of the current *Municipal Act* outlines recorded votes and votes by ballot. The City's procedural by-law Section 13.6 respecting Voting Procedures is silent with respect to votes by ballot. Therefore it is suggested that the procedural by-law be amended to include that 'No vote shall be taken by ballot or by any other method of secret voting, and any vote so taken is of no effect'.

Appendix "B" of the City's Procedural by-law outlines a Code of Conduct for Members of Council. It was noted by staff that By-law R89-010 of the former Region of Hamilton-Wentworth respecting the Code of Conduct for Members of Council of the Région, has not yet been repealed. Therefore said by-law shall be repealed.

The rest of the housekeeping amendments are listed as follows:

- Subsection 11.2 of the City's procedural by-law, respecting the 'Order of Business', shall be amended by inverting Subsections (d) Staff presentation and (e) Consent items.
- Subsections 12.2 and 12.3 respecting 'Rules of Debate in Council Meetings' shall be amended by deleting any reference to members of Council rising from his/her seat to speak or to address the Mayor.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

Section 55 (2) of the *Municipal Act*, R.S.O., c. 45, as amended, provides that Council shall adopt a procedural by-law to govern the proceedings of Council.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The City's Legal Division has been consulted in the development of the attached by-law.

CITY STRATEGIC COMMITMENT:

By amending the City's Procedural By-law, Council is better able to govern the proceedings of its meetings.

Bill No.

CITY OF HAMILTON

BY-LAW NO.

TO AMEND BY-LAW 01-300 RESPECTING THE PROCEDURAL BY-LAW

WHEREAS the Council of the City of Hamilton enacted By-law 01-300 being a By-law to adopt rules for procedures of Council and Committees thereof, on December 11, 2001, pursuant to section 55, of the Ontario Municipal Act, R.S.O. 1990, c. M.45, as amended;

AND WHEREAS the Council of the City of Hamilton has determined that it is necessary to amend certain provisions of the By-law, in order to provide for efficient conduct of the proceedings of the Council and its Committees;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Section 1 of the Procedural By-law, being By-law 01-300, enacted by the City of Hamilton on December 11, 2001, is amended by adding the following definition:
 - 1.1 (cc) **Board of Health** means the Council of the City of Hamilton

Hereinafter, the new definition above shall be listed in alphabetical order in Section 1.1 and the definitions section shall be renumbered from 1.1 (a) to 1.1 (cc).
2. Section 4 of said by-law is amended by deleting subsection 4.12 (c) in its entirety and replacing it with the following in lieu thereof:
 - 4.12 (c) A proposed or pending acquisition or disposition of land for municipal or local boards purposes;

3. Section 5 entitled Proceedings of Committee of the Whole of said by-law is amended by adding subsection 5.6 and 5.7 as follows:

5.6 Council has all powers rights and duties of the Board of Health under the Health Protection and Promotions Act. R.S.O., 1990. Council, as the Board of Health, shall adhere to all legislated requirements of the Health Protection and Promotions Act. The conduct of the Board of Health meetings shall be in the same form and procedure as the Committee of the Whole meeting of Council.

5.7 Council shall, as the Shareholder of the Hamilton Utilities Corporation, at an in camera meeting of Council, consider candidates for the Board, as proposed by the Nominating Committee, and for the appointment of the auditors of the Corporation. Council shall, by resolution, appoint the necessary members of the Board and appoint the auditors for the Hamilton Utilities Corporation and complete such other business as would normally be completed at an annual meeting of shareholders under the OBCA. Within six (6) months after the end of each fiscal year of the Hamilton Utilities Corporation, the Board shall report to a meeting of Council and provide the audited financial statements of the Corporation for the last completed fiscal year and any such information concerning the Corporation and its Subsidiaries as is appropriate.

4. Section 11.2 of said by-law is amended by deleting subsection (d) and (e) in its entirety and replacing it with the following in lieu thereof:

11.2 (d) Consent Items

— (e) Staff Presentations

5. Section 12 of said by-law is amended by deleting subsection 12.2 and 12.3 in their entirety and replacing them with the following in lieu thereof:

12.2 Before speaking to a question or motion, a Member shall be recognized by the Mayor and be placed on the speakers list.

Hereinafter, Subsections 12.4 to 12.9 shall be renumbered 12.3 to 12.8 to account for deleted item 12.3.

6. Section 13.6 of said by-law is amended but adding the following subsection:

13.6 (b) No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

7. By-law R89-010 of the former Region of Hamilton-Wentworth entitled "A code of Conduct for Members of Council of the Regional Municipality of Hamilton-Wentworth" is hereby repealed.

PASSED and ENACTED this 11th day of December, 2002.

MAYOR

CLERK

CITY OF HAMILTON

4.4

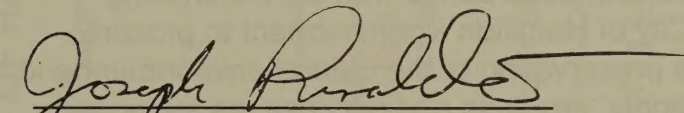
**FINANCE & CORPORATE SERVICES
FINANCIAL SERVICES**

Report to: Mayor and Members Committee of the Whole	Submitted by: Joseph L. Rinaldo General Manager
Date: November 11, 2002	Prepared by: Rick Male 905-546-4157

SUBJECT: Monthly Status Report of Tenders and Requests for Proposals
October - FCS02014(j)- (City Wide)

RECOMMENDATION:

That the monthly status report of Tenders and Requests for Proposals for October 2002 as set out in Appendix 'A' to Report FCS02014 (j) be received.


Joseph L. Rinaldo, General Manager,
Finance & Corporate Services

EXECUTIVE SUMMARY:

This report is in accordance with our Policy #6, Council Approval of Contracts, whereby a Council report recommending award of a tender or proposal is not required when the criteria outlined in Items a. through d. of the policy have been met.

BACKGROUND:

Tenders and Proposals reported in this document have been issued in accordance with Purchasing Policies and are being awarded to the lowest acceptable bid.

Staff will continue to report to Council on awards where the conditions have not been met.

Those items with a status of "Under Review" or "Pending Approval" will remain on the report until such time an award is made.

ANALYSIS OF ALTERNATIVES:

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

POLICIES AFFECTING PROPOSAL:

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

This report encompasses all Tenders and Proposals issued by the City and is produced in consultation with the Transportation, Operations and Environment Department.

CITY STRATEGIC COMMITMENT:

The recommendation contained within this report has City-wide implications.

Tenders and Proposals are issued to encourage the competitive bidding process with objective and equitable treatment of all vendors, in accordance with the Purchasing Policies approved by Council. Further, the City of Hamilton's commitment to procure goods and/or services with due regard to the preservation of the natural environment and to encourage the use of "environmentally friendly" products and services, as supported by the Pollution Prevention Committee.

CITY OF HAMILTON

Summary of Tenders & Proposals Issued - October, 2002

Reference	Project Description	Closing Date	Status Award Information
TOE-02-01(HSW)	Watermain replacement, sewer repairs, storm sewers and road reconstruction on Hughson Street from Main Street East to Hunter Street and on Walnut Street from Main Street East to King Street East (Ward 2)	March 21	Dufferin Construction Company \$324,873.40
C11-33-02	Supply & Delivery of Digitally Timed Solid State Traffic Signal Controllers & Associated Hardware	May 13	Award Pending final review of requirements.
C11-43-02	Supply & Delivery of Lubricants to Fleet Services, Fire & Police	June 7	Pending Award
C4-01-02	RFP for the Provision of Newspaper Advertising Space	July 5	Recommendation in Process
C4-03-02	RFP for the Provision of Direct Distribution Advertising	July 5	Recommendation in Process
C11-35-02	Supply & Delivery of Brake Parts and Service for Cars, Light Duty Trucks and Heavy Duty Vehicles	July 17	Pending Award
C12-8-02	H.V.A.C. Maintenance Services Required at Various Facilities	July 31	Part "A" - Corporate Buildings & Real Estate - Black & McDonald Limited Part "B" - Macassa Lodge - Pending No Expenditure Estimate Available
C3-53-02	RFP for Advance Care Paramedic Training Program	August 22	Award Pending Ministry Approval
C6-04-02	Tender for Provision of a Service Provider for Enforcement of Municipal By-Laws	August 29	One Bid Received Under Review
TOE-02-42(HSW)	Road reconstruction, storm sewer construction, sanitary sewer repairs and watermain replacement on Wellington Street North from Cannon Street to Barton Street. (City of Hamilton Wards 2 and 3).	August 29	Under Review

<i>Reference</i>	<i>Project Description</i>	<i>Closing Date</i>	<i>Status Award Information</i>
C9-05-02	RFP for the Supply, Configuration & Installation of Local Wide Area & Wide Area Networking Hardware, Software & Related Equipment for the Hamilton Police Service.	August 30	The Wan Group Inc. \$298,844.00
C11-75-02	RFP for Curbside Communication Stickers for Waste Management	September 3	SBF Forms \$7,000.00
TOE-02-46(HW)	Watermain replacement on Highland Road West from Second Road West to Carlson Street and asphalt resurfacing on Highland Road West from Glenholow Drive to Carlson Street and Second Road West from Highland to North limits. (City of Hamilton Ward 9)	September 3	Under Review
C4-05-02	Tender for Supply and Delivery of External Print Services.	September 6	Stirling Print All, Allegra Print SBF Business Forms, Hoppy Copy
C3-59-02	RFP for Consulting Services to Prepare a Forestry Management Plan.	September 9	Cancelled To Be Re-Tendered
C3-69-02	Tender for Construction of New Library – Stoney Creek City Hall	September 11	STF Construction Ltd. \$227,659.62
C3-68-02	Tender for Supply & Delivery of Various Vehicles For Use By Hamilton Emergency Services Department	September 12	Bay King - \$112,665.00 Forbes Bros. - \$29,583.00
C11-71-02	Tender for Sign and Sign Post Installation	September 18	Roadside Rentals Inc. \$90,000.00 for 2002
C11-77-02	Tender for Annual Source (Stack) Testing for the City of Hamilton's Energy from Waste Facility SWARU	September 20	Under Review
C3-71-02	Tender for Renovations and Addition to Kiwanis Boys and Girls Club	September 23	Under Review
TOE-02-51(HW)	Proposed watermain replacement and road reconstruction on East 34th Street, from Macassa Avenue to Fennell Avenue East and on East 35th Street, from Bruceedale Avenue to Queensdale Avenue.	September 24	Under Review

Reference	Project Description	Closing Date	Status Award Information
TOE-02-41(HSW)	Road and sidewalk reconstruction, watermain replacement and storm sewer construction on Walter Ave. N. from Britannia Ave. to Dunsmure Road, and on Dunsmure Road from Walter Ave. N. to Adeline Ave. (Ward 4)	September 26	King Paving and Materials \$1,838,037.44
C3-76-02	Tender for Roof Replacement at Huntington Park Recreation Centre, Hamilton, Ontario	September 26	Solar Roofing & Sheet Metal \$176,100.00
C3-74-02	RFP for Consultant Services Required to Develop Specifications for the Privatization of the Chedoke Winter Sports Park Operations	September 30	Under Review
C3-78-02	Tender for Construction of New Equipment Storage Shed, Arvin Avenue Works Depot	October 1	G.S. Wark Limited \$186,180.00
C3-75-02	PART 2 – Tender for Hamilton Police Service South Mountain Complex	October 1	Under Review
TOE-02-53(W)	Watermain replacement on Hillside Ave. from South St. to approx. 115 m South of Rowanwood Ave. (Ward 13)	October 1	Wm. Groves \$170,438.16
TOE-02-54(HW)	Watermain replacement and road reconstruction on Dana Dr. from Norrie Ave. to McElroy and Norrie Ave. from Dana Dr. to Dodson St. (Ward 7)	October 3	King Paving and Materials \$699,202.52
TOE-02-59(SW)	Watermain reconstruction and sanitary sewer construction on Seabreeze Cres. from Glover Access Rd. to McNeilly Rd. N. and McNeilly Rd. N. from North Service Rd. to Seabreeze Cres. (Ward 11)	October 3	Rankin Construction \$798,664.05
TOE-02-63(SW)	Construction/replacement of watermains, forcemain construction and road/sidewalk reconstruction, on the following: Guise St – Bay St to Catharine St Harbour Patrol Access Road - Guise St to North End Bay St N – Wood St W to Guise St W. (Ward 2)	October 8	On Hold
C11-79-02	Tender for Supply & Delivery of Liquid De-Icer Products	October 9	Under Review

Reference	Project Description	Closing Date	Status Award Information
TOE-02-55(HSW)	Watermain replacement, road/sidewalk reconstruction and storm relief sewer construction on: East 11th St. - from Inverness Ave. to Concession St. East 12th St. - from Inverness Ave. to Concession St. Mountville Ave. from Upper Wellington to East 14th St. (Ward 7)	October 10	Dufferin Construction Company \$2,444,495.25
C9-08-02	<u>REISSUANCE</u> RFP for Provision of a Service Provider for Employee Assistance/ Critical Incident Response Program for Hamilton Police Service	October 11	Under Review
C11-80-02	Tender for Supply & Delivery of Eight Full Size Extended Cab Pickups and Two Full Size Regular Cab Pickups with an 8ft Box, All Trucks Supplied with Various Options	October 11	Mt. Brydges - \$202,516.00 Forbes Bros. - \$47,244.00
C3-81-02	<u>PART 2</u> - Tender for Redevelopment of Parkdale Park	October 15	Under Review
C6-13-02	<u>REISSUANCE</u> RFP for Lease/Purchase & Assembly of Various Servers	October 15	Xwave \$85,561.00
TOE-02-58(W)	Construction of 400-mm truck watermain on Rymal Road from Foxmeadow Drive Easement Extension to Swayze Road (Wards 9 & 11)	October 16	HTC Contractors \$99,831.00
TOE-02-57(HSW)	Road and sidewalk reconstruction and watermain replacement on Airdrie Ave. from Melvin Ave. to Britannia Ave. and on Bernard St. from Melvin Ave. to Martha St. (Ward 4)	October 24	Under Review
C3-31-02	Tender for Removal and Disposal of Wood Pile – Forestry Depot	October 31	Under Review

CITY OF HAMILTON

4.5

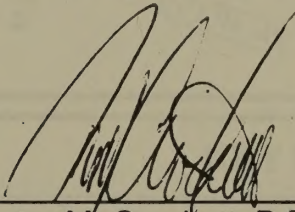
**TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic**

Report to: Mayor and Members Committee of the Whole	Submitted by: Peter M. Crockett, P.Eng. General Manager
Date: November 18, 2002	Prepared by: Chris Van Berkel Extension 5663

**SUBJECT: Glencairn Avenue and Central Avenue - Request for Northbound
Stop Control (TOE02213) - (Ward 4)**

RECOMMENDATION:

- (a) That the existing northbound yield control on Glencairn Avenue at Central Avenue be replaced with stop control; and,
- (b) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.



Peter M. Crockett, P.Eng., General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Councillor Sam Merulla has advised of a request to replace the existing northbound yield control on Glencairn Avenue at Central Avenue with stop control. The subject intersection is a "T" type intersection and currently, northbound traffic on Glencairn is required to yield to eastbound and westbound traffic on Central.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 4.

Councillor Sam Merulla has advised of a request to replace the existing northbound yield control on Glencairn at Central with stop control. There have been no reported collisions at this intersection within the past five years. This is an excellent collision record and indicates that the existing intersection control is operating effectively.

Notwithstanding, staff supports replacing the northbound yield control with stop control, as it will clearly define which motorist has the right-of-way at this intersection.

**SUBJECT: Glencairn Avenue and Central Avenue - Request for Northbound
Stop Control (TOE02213) - (Ward 4) - Page 2 of 2**

ANALYSIS OF ALTERNATIVES:

One alternative would be to take no action. The intersection is operating safely and has done so for many years. However, to clearly define right-of-way, staff supports replacing the yield sign with a stop sign.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

N/A

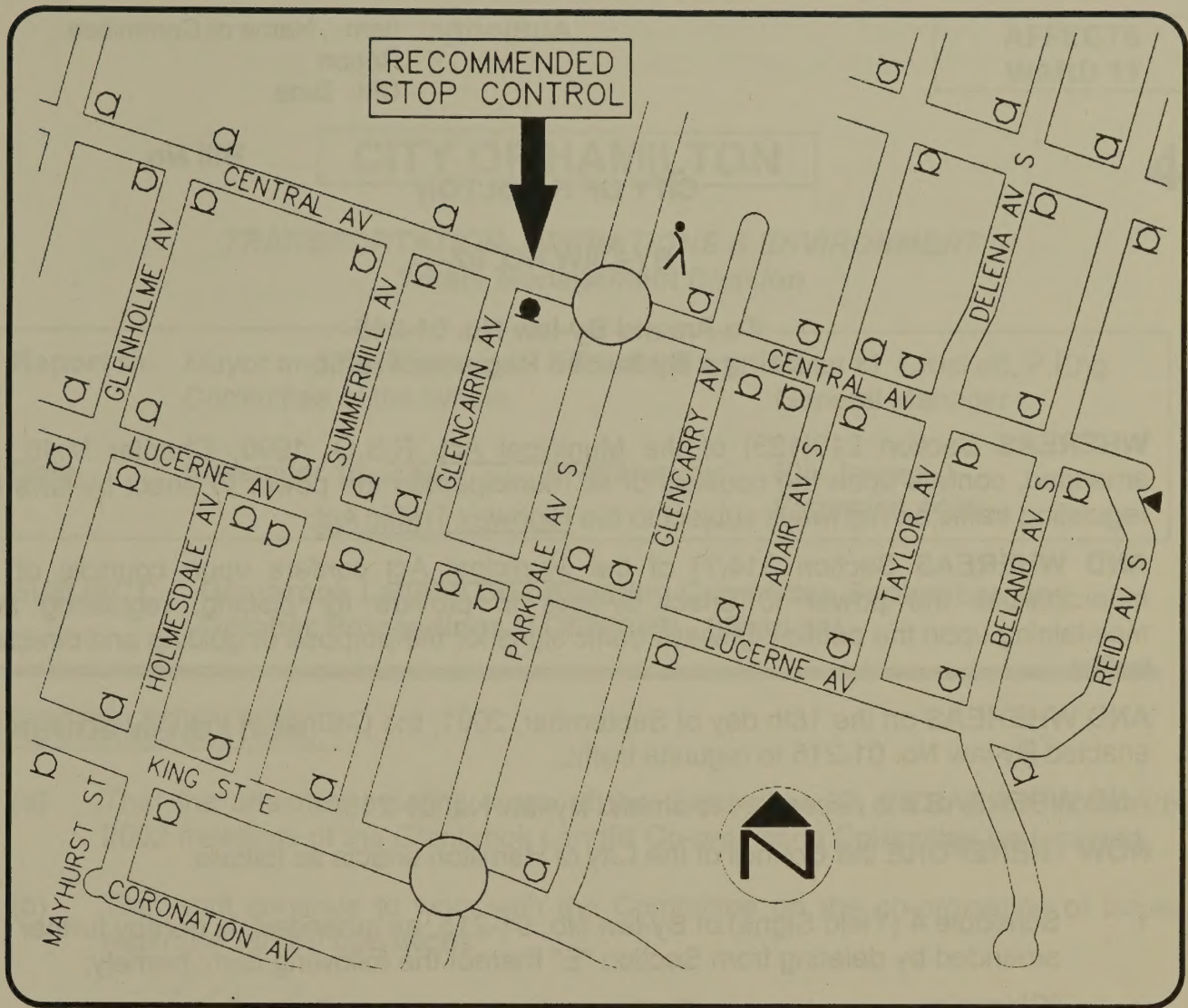
**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

N/A

CITY STRATEGIC COMMITMENT:

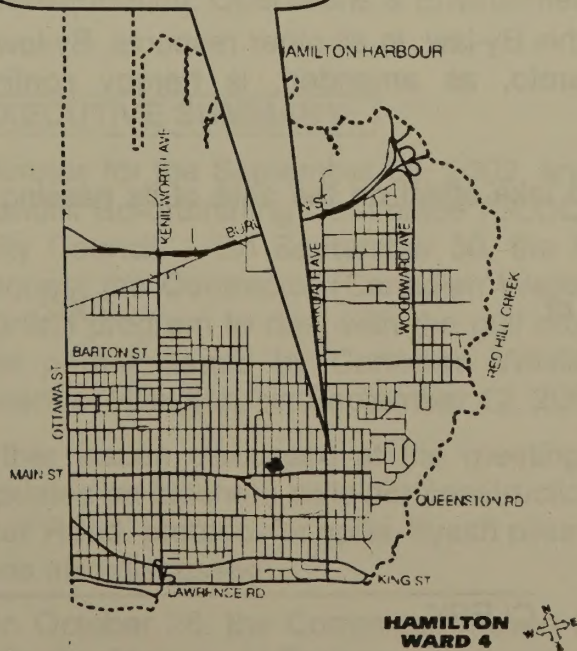
The implementation of stop control on the stem of this "T" type intersection will clearly define the right-of-way at the intersection, thus reducing the potential for collisions and providing a safer community.

Attached: Key Map & By-law



KEY MAP

GLENCAIRN AVENUE,
CENTRAL AVENUE



LOCATION PLAN

STOP CONTROL:
NORTHBOUND
GLENCAIRN AVENUE
AT CENTRAL AVENUE

CITY OF HAMILTON
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

➔ SUBJECT INTERSECTION

RECOMMENDED

EXISTING

● TRAFFIC SIGNAL

○ TRAFFIC SIGNAL

● STOP SIGN

○ STOP SIGN

▼ YIELD SIGN

▼ YIELD SIGN

SCALE

DATE

NOT TO SCALE

2002-11-18

REFERENCE FILE NO: **TOE02213**

Bill No.

CITY OF HAMILTON

BY-LAW NO. 02-

To Amend By-law No. 01-215
Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 4 (Yield Signs) of By-law No. 01-215, as amended, is hereby further amended by deleting from Section "E" thereof the following item, namely:
"Glencairn Northbound Central"
2. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:
"Glencairn Northbound Central"
3. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
4. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this day of , 2002

MAYOR

CLERK

CITY OF HAMILTON

4.6

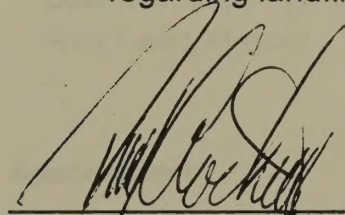
TRANSPORTATION, OPERATIONS & ENVIRONMENT
Waste Management Division

Report to: Mayor and Members Committee of the Whole	Submitted by: Peter M. Crockett, P.Eng. General Manager
Date: November 18, 2002	Prepared by: Phil Jensen Extension 4436

**SUBJECT: Glanbrook Landfill Co-ordinating Committee September and
October Proceedings (TOE02209) - (Ward 11)**

RECOMMENDATION:

- (a) That the attached meeting notes of the September 30, 2002 and October 28, 2002 meetings of the Glanbrook Landfill Co-ordinating Committee be received.
- (b) That staff continue to work with the Committee on the co-ordination of issues regarding landfill operations.



Peter M. Crockett, P.Eng., General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Minutes for the September 30, 2002, and October 28, 2002 meetings of the Glanbrook Landfill Co-ordinating Committee (GLCC), attached, are provided for the information of City Council. On September 30, the Committee moved that the Landfill Committee request the Contractor (Canadian Waste Management) to begin immediately with the control program to deal with the gull problem at the Glanbrook Landfill, as specified in the permit issued by Canadian Wildlife Service to Canadian Waste, 470 Kenora Avenue, Hamilton, on September 12, 2002.

Other issues discussed at the meeting and reflected in the attached notes include updates on leachate collector construction, Hall Road pumping station, fence repairs on Hall Road, protocol for spills, flyash piles and odour from the landfill. Meeting frequency was also discussed.

On October 28, the Committee moved that the City of Hamilton continue to negotiate with the Ministry of Environment for the temporary use of SWARU. Further, that the

SUBJECT: Glanbrook Landfill Co-ordinating Committee September and October Proceedings (TOE02209) - (Ward 11) - Page 2 of 17

City of Hamilton immediately begin with the investigation and construction of a new incinerator/energy from waste facility and/or other new technology as part of a complete waste management plan.

Other issues discussed at the meeting and reflected in the attached notes include updates on Hall Road Pumping Station, leachate collector system and gulls.

BACKGROUND:

The GLCC is an officially sanctioned City of Hamilton Citizen Committee consisting of four members as appointed by the City's Selection Committee. The GLCC provides support to staff and the City's contracted landfill operator on operational matters and community input at the Glanbrook Landfill. Meetings are also attended regularly by Ward 11 Councillor David Mitchell.

The GLCC currently meets monthly to discuss landfill related issues and to monitor the City's progress with respect to major projects at the site, which includes the City's leaf and yard waste composting operation as well as the landfill. Over the past two years the Committee has assisted the City with public liaison on several major projects, most notably the implementation of alternative daily cover and the pending leachate collector construction.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Niagara Peninsula Conservation Authority (NPCA) is represented on the Committee and the Ministry of the Environment and Energy attends regularly.

CITY STRATEGIC COMMITMENT:

Commitment 4d states "Council will pursue new and innovative opportunities to enable more people to share their views and contributions to the City, Council and its services". The opportunities for public input afforded by the activities of the Glanbrook Landfill Committee are consistent with and support this strategic commitment.

**City of Hamilton
Transportation, Operations & Environment Department
WASTE MANAGEMENT DIVISION**

M•I•N•U•T•E•S

GLANBROOK LANDFILL CO-ORDINATING COMMITTEE

**Monday, September 30, 2002
Glanbrook Municipal Centre
4:30 p.m.**

ATTENDEES:

Hugh Brown, Chair
Allan Freeman, Member
Lynda Burton, City of Hamilton
Tom Brown, Canadian Waste
Councillor Dave Mitchell

Ron McMann, Member
Phil Jensen, City of Hamilton
Sheila May, City Advisor
Ron Wright, Canadian Waste
Lance Larkin, MOE

REGRETS:

Scott Stewart, City of Hamilton
Dave Kerr, City of Hamilton
Andy Fevez, Member

John Mater, City of Hamilton
Annie Michaud, NPCA

Agenda Item

Action

1. Minutes of Last Meeting

The minutes were accepted as written. Lance confirmed that the Ministry's title is back to Ministry of Environment (MOE).

2. Update: Leachate Collector Construction

BrEx is scheduled to return to the construction site in November. There is a possibility they may return to work earlier. The piping has been installed for the forcemain and all test pitting has been completed. November will see trenching and installation of the third pumping station. The test pits revealed what was anticipated in terms of where there is water and where it is dry. A City inspector is on site and assigned to the project. Gartner Lee, as the collector designer, is providing engineering assistance.

Councillor Mitchell commented that the public wants to know when the trucks will stop running. Phil responded that Gartner Lee is looking into hooking the ponds in the leachate collector system. A concept of how the system would work with the collector design is needed first. Then the MOE must be contacted for approvals. The City expects construction to be completed in the first quarter of 2003. It was estimated that trucks should no longer be required at about the mid-point of 2003.

Agenda Item

Action

Sheila asked if Gartner Lee's costs were extra. Phil said it is over and above the construction costs but all of Gartner Lee costs are within the existing budget. No overdraft is expected. Councillor Mitchell commented that he hopes the ponds will not have to be released into the leachate collector system but rather be uncontaminated and used for run off. Phil agreed, adding that it was the City's initiative not Gartner Lee's.

Sheila asked if the mound has come down. Phil said he expected it hasn't since the new system is not in place yet. The annual monitoring report will show water levels, which are measured on a regular basis.

3. Update: Hall Road Pumping Station

The City is meeting this Friday to go over the Aldworth Engineering report on the status of the pumping station. Aldworth was involved with the original installation of the pumping station. The City was experiencing difficulties with the draw on the pumps. Phil said the City is looking at the information at this time and is interested in making the required adjustments at the pumping station.

Sheila asked if Dillon was involved. Phil said they provided information on which the design was based. The ponds volumes were not taken into account when the station was designed. Should the Aldworth report be accepted, the City would try to commission the project as quickly as possible.

4. Update: Gulls

Tom reported that a permit is now in place from the Canadian Wildlife Service to scare or kill the seagulls at the landfill. Canadian Waste recommended a rotating propane cannon, which is random and programmable. A starters pistol would be used to augment the cannon noise. The cannon would be shut off at night and resume again at 8am (since seagulls leave at night).

Motion: That the Landfill Committee request the Contractor (Canadian Waste Management) to begin immediately with the control program to deal with the gull problem at the Glanbrook Landfill, as specified in the permit issued by Canadian Wildlife Service to Canadian Waste, 470 Kenora Avenue, Hamilton, on September 12, 2002. Moved by Allan Freeman, Seconded by Ron McMann. Carried unanimously.

5. Update: Fence Repairs on Hall Road

Ron Wright reported the repairs are underway and the fence will be operational by the end of Fall.

6. Update: Protocol for Spills

Phil to call Committee members, Councillor Mitchell and Sheila May when a spill is reported. Phil will make sure the After Hours call centre has a call out list.

Phil

Agenda Item

Action

7. Update: Flyash Piles

Phil reported the City is being more diligent than ever in regards to testing and making sure the flyash is in compliance before it is landfilled. The ash is transported as solid non-hazardous waste, placed on plastic and covered by plastic film, which is held down by street sweepings. The process has been approved by the MOE. Hugh asked why are the piles still on top of the landfill. Tom responded that the intention is to keep the piles as close to the tipping face as possible. Ron said the intention is also to avoid disturbing the piles during construction. Once Phase 2 is complete a new location for the piles can be arranged.

Tom explained that the MOL responded to an article in the Spectator. As a result, Canadian Waste Services (CWS) was ordered to do an assessment of employee flyash exposure. As for lead and cadmium, there were no exposure risks identified. The Ministry of Labour (MOL) is satisfied that employees are well protected without a respirator.

Sheila asked again that the C of A be amended to allow for storage of the ash at the landfill. Lance replied that the material is considered non-hazardous and no amendment is needed.

Hugh said the Committee is not comfortable with the way waste is being handled right now. Sheila expressed dissatisfaction with the investigation. Phil suggested the Committee take a tour of the landfill to look at how the material is marked and covered. Tom offered to forward articles on the chemical process that neutralizes the ash to Hugh.

Councillor Mitchell commented that the ash comes from garbage that would otherwise be in the landfill if it weren't incinerated. The ash is simply a concentrated form of the garbage, which is neutralized to prevent it from leaching out. Phil commented that the Fenco report did suggest the low to moderate strength of leachate was in part due to the landfilling of ash at the site.

The Committee agreed to meet at the landfill on October 28 for the next meeting.

Councillor Mitchell exited the meeting at 6:16pm.

8. Odour from the Landfill

Sheila commented that an odour was detected over several days during August. Mr. Zimmerman also complained to Sheila of an odour. Ron explained that the odour was a composting odour most likely caused by grass. The compost pile could not be shredded in September due to the warm weather but will be shredded this week. Compost can be collected by the Committee members at the next meeting.

9. Meeting Frequency

Phil asked the group if they would like to move away from monthly meetings to something less frequent. The Committee decided they would meet in October and November and then again in January, skipping the meeting in December. They will decide at a later date if they would like to go to bi-monthly meetings.

10. New Business

Sheila commented that the pond reports are difficult to read and asked if the results could be reported in the previous format. If conversion of the document is possible they will be converted as long as the Committee understands they will not be receiving an identical copy of the test results.

Sheila asked if the ponds will be dredged. Ron replied it is their intent to dredge the ponds once Phase 2 of construction is completed. All 5 ponds will still be used after construction.

Sheila remarked that she is really impressed with the MOE's attendance at the Committee meetings.

Annie Michaud has one more sampling to complete before a presentation can be made on NPCA biomapping.

Hugh distributed copies of text taken from the Environmental Assessment Hearings, dated 1979 and asked that they be attached to the minutes.

Allan asked that the MOE report on their flyash investigation. Lance said he would look into the possibility.

The meeting was adjourned at 6:50pm.

	Next Meeting: Monday, October 28, 2002 4:30pm Glanbrook Landfill (Site Tour)
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**Please review and forward any errors or omissions to Lynda Burton at
(905) 540-5490 or lburton@city.hamilton.on.ca**

**All members are also requested to forward any items for the next agenda to Phil Jensen at
(905) 546-4436 or [mailto: pjensen@city.hamilton.on.ca](mailto:pjensen@city.hamilton.on.ca)
by October 18, 2002**

Copy to:
Peter Crockett, City of Hamilton

SUBJECT: Glanbrook Landfill Co-ordinating Committee September and October Proceedings (TOE02209) - (Ward 11) - Page 7 of 17

DATE: OCTOBER 2, 2002

TO: NEIGHBOURS OF THE GLANBROOK LANDFILL

FROM: RON WRIGHT – CANADIAN WASTE SERVICES INC.

RE: BIRD CONTROL AT THE LANDFILL

Dear Neighbour:

In response to concerns raised by the Glanbrook Landfill Committee regarding gulls at the Glanbrook Landfill, Canadian Waste has received a permit from the Canadian Wildlife Service to address the issue.

Beginning this week, we will be using a variety of tactics to discourage the gulls from landing at the landfill. Eventually the gulls will realize that the landfill is no longer a place for feeding or roosting, and they will leave the area.

You may hear occasional noise from propane cannons and other devices used to scare the gulls from the area. Should you have any questions or concerns about this control program, please call me at 905-692-4443.

Sincerely,
CANADIAN WASTE SERVICES INC.

Ron Wright
Manager, Landfill & Transfer Stations

1. ATTACHED TAKEN FROM EVIDENCE OF
Environmental Assessment Hearings, dated 1979.
Mr. George Hicks, Senior Environment Officer
2. Text taken from Supporting Document page 3
Landfill Design and Site Operation dated
July 1978
3. Text taken from Tricil Full Service Agreement
February 7, 1978.
Listing unacceptable wastes

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He indicated that it was very important to have knowledge of existing water quality in order to determine whether or not there was any condition change.

In response to questions, Mr. Hicks stated that the Ministry had the right to inspect the site and its operations at anytime, to enforce changes to the operation and, if required, close or modify the site. This responsibility would apply to all problems encountered on or near the site as a result of its existence.

With respect to the wastes which would enter the site, Mr. Hicks noted that only certain wastes would be allowed both at the landfill and at the transfer stations. He informed the Board that the Certificate of Approval if issued would be a legal document binding on the Applicant and its operator. This Certificate of Approval would limit the type of wastes that could enter the site, and would ensure that no liquid or liquid industrial wastes, or hazardous wastes would be allowed.

Mr. Crocker extensively questioned the role of the Ministry in its review of the Applicant's proposal and the exchange of correspondence between the Applicant and the Ministry. Mr. Hicks explained that, prior to the submission of an application for a Certificate of Approval, he had to satisfy himself that the Application and all supporting documents were adequate to ensure that the Application had no gaps or weaknesses, and that it could be presented to the Environmental Assessment Board. For this reason, it was necessary to work very closely with the Applicant. Correspondence and meetings

- 235 -

held prior to the Hearing attempted to resolve outstanding questions related to problem areas.

Mr. Crocker referred to minutes of a meeting prepared by Mr. Simmonds of the Ministry's Regional office. Mr. Hicks stated that the purpose of the meeting was to review with the Region the future strategy needed in order to adequately prepare for the Environmental Assessment Board hearings, and to request further explanation or detail on several points.

With respect to a point in the minutes which indicated that the Ministry hoped that a hearing would not be required, Mr. Hicks explained that this applied to the transfer stations, and not to the landfill site itself. Mr. Hicks added that there was no requirement in the Act to hold a hearing on transfer stations.

At that meeting, Mr. Hicks explained that he had many concerns regarding the proposal and he identified these as leachate springs affecting surface and groundwater resources, daily site operations affecting infiltration of water through cover material and many operational problems. He also stated that most of these concerns had been adequately addressed by the Applicant during the course of the Hearing.

With respect to the removal of leachate from the site, Mr. Hicks responded that either the pumping of the leachate through a sewer or trucking it away was acceptable to the Ministry, although he noted that he favoured the presence of a sewer. He added that, should a sewer be constructed, it should be of such nature that it could not be interrupted

- 236 -

between Glanbrook and the City in order to accommodate urban growth in the area. He further noted that this was a planning matter which had yet to be resolved by the Region in its Official Plan.

In reference to the minutes, Mr. Hicks noted that he had also asked for clarification of whether or not the ash from SWARU would be deposited at the landfill site, and the need for the Applicant to establish an inventory of the types of wastes to be deposited at Glanbrook.

Mr. Crocker asked Mr. Hicks to expand on the discussion carried out between the Ministry and the Applicant in regard to questions raised by the OMB decision. A summary of these questions and responses follows:

Firstly, Mr. Hicks noted that there was a concern as to whether or not soils contaminated by spills would be deposited at the site. It was noted that soils which had been contaminated by spills were defined in the list of acceptable landfill wastes, and would in fact be deposited at Glanbrook. Mr. Hicks stated that there could possibly be exceptions to the type of contaminated soils in emergency situations, but noted that the Ministry would be aware of and involved in any decision regarding the placement of these types of materials at Glanbrook. He emphasized that materials such as hazardous wastes or liquid industrial wastes which were governed by other Ministry regulations would not be allowed on the site.

Secondly, concern was expressed over the disposal of slurry from K. D. Enterprises or similar operations. Mr. Hicks

2.0 DESIGN

2.1 DESIGN CONCEPT

The objective of the design is to safely encapsulate solid wastes required to be disposed of by the Region. The manner of the landfilling and landfill construction is to reduce to an absolute minimum, the potential of environmental damage in the form of leachate escape into ground water or surface water, the escape of damaging quantities of silt into the natural streams, and the escape or horizontal migration of methane into adjacent properties and streams. The recommended sequence of operation will result in a minimum of disturbance to owners of adjacent land. The design provides for sufficient buffering and concealment by landscaping so that when the more exposed areas of the site are under use, the landscape planting will have matured to the point of being effective.

Three main constraints to the design of the finished product are:

- earth excavation will be to the depth of 12 feet or less
- ~~all excavated earth is to be used for the daily and final cover~~
- ~~no earth shall be removed or imported.~~

- 5 -

(t) "Kenora Transfer Station or Kenora": The plant facilities to be constructed by Tricil on the Kenora Site containing a modern waste compaction and transfer system;

(u) "Ministry": Ontario Ministry of the Environment;

(v) "Mountain Site": The lands and premises more particularly described in Schedule 4 hereto owned or to be owned by the Region which are to be leased to Tricil and upon which are to be constructed the Mountain Transfer Station;

(w) "Mountain Start Notice": Notice given by the Region to Tricil pursuant to section 7.03 hereof to commence construction of the Mountain Transfer Station;

(x) "Mountain Transfer Station or Mountain": The plant facilities to be constructed by Tricil on the Mountain Site containing a modern waste compaction and transfer system;

(y) ~~"Non-acceptable waste"~~: construction debris, earth, broken concrete, asphalt and other inert materials, tree stumps, construction timber, bundles of metal strapping and the like, abandoned motor vehicles, agricultural waste, dead animals, hauled liquid industrial waste, hauled sewage and hazardous waste as these terms are defined in Regulation 842, RRO, 1970, and amendments thereto; pathological and infectious waste, and snow;

(z) "Operational Start Notice": Notice given by Tricil to the Region pursuant to section 2.03 hereof, to provide notice that all Facilities are ready for operation;

(aa) "Phase-in Period": The period from the date of the receipt of Ministry and Board approvals contemplated by this Agreement to the start of Period 1;

(bb) "Regional Assessment Commissioner": The person for the time being filling the office of the Assessment Commissioner appointed by the Province of Ontario for the Assessment Region of Hamilton-Wentworth;

(cc) "Regional Council": The Council of the Regional Municipality of Hamilton-Wentworth;

(dd) "SWARU": The Solid Waste Recovery Unit located at Kenora Avenue in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth owned and presently being operated by the Region and which is to be leased to Tricil;

**City of Hamilton
Transportation, Operations & Environment Department
WASTE MANAGEMENT DIVISION**

M•I•N•U•T•E•S

GLANBROOK LANDFILL CO-ORDINATING COMMITTEE

Monday, October 28, 2002

**Landfill Tour/Glanbrook Municipal Centre
4:30 p.m.**

ATTENDEES:

Hugh Brown, Chair
Allan Freeman, Member
Scott Stewart, City of Hamilton
Lynda Burton, City of Hamilton
Sheila May, City Advisor
Tom Brown, Canadian Waste
Geoff Carpentier, MOE

Ron McMann, Member
Andy Fevez, Member
John Mater, City of Hamilton
Phil Jensen, City of Hamilton
Councillor Dave Mitchell
Ron Wright, Canadian Waste
Lance Larkin, MOE

GUESTS: Ruta Morkunas, Chris Findley

REGRETS:

Dave Kerr, City of Hamilton

Annie Michaud, NPCA

☞ **Committee members were given a brief tour of the landfill.**

Agenda Item

Action

1. Minutes of Last Meeting

The minutes of the last meeting were accepted as written.

2. SWARU Closure

SWARU was closed on October 25, 2002, Scott said, and material is being transferred directly to Glanbrook. Waste Management will be meeting with the Ministry of Environment (MOE) tomorrow to go over issues raised in the new Certificate of Approval (C of A), specifically the items which are causing SWARU to be in non-compliance at this time. The C of A was appealed by the City on October 25, 2002. The Solid Waste Management Master Plan (SWMMP) Committee meets next week and desires an orderly closure plan for SWARU.

Councillor Mitchell commented that if the diversion target of 65% is not reached by 2006, a new incinerator will need to be built. He would like a recommendation from the Committee to begin building a new incinerator.

Agenda Item

Action

The City is seeking time to meet parameters set out in the new C of A and are concerned about the costs involved. The facility is too old to meet certain parameters. A recommendation will be made to Council outlining the costs to be in compliance.

The City is still negotiating with the Ministry. Glanbrook Landfill has 15 years worth of capacity left at this moment. Should the City reach 65% diversion by 2006, the landfill life is extended to 25-30 years. If all of the waste from SWARU is diverted to Glanbrook should SWARU close permanently, the landfill life is reduced. It takes at least 10 years to locate and develop a new landfill site.

Increased truck traffic is a concern to residents, Sheila said. The City needs to make sure the existing C of A is still accurate and relevant given the additional traffic. The current limit is 63 truck round trips per day. Sheila expressed disappointment in the MOE, saying the increased traffic is a real threat to the small community. Scott replied that the City is acting within the existing C of A and realizes the impact on the Community. The landfill C of A is on the agenda for discussion at tomorrow's meeting with the MOE.

Phil commented on the increased traffic flow to the landfill and the leachate collector construction. It is important that the constructor BreEx cooperate with the operators at the landfill very closely in regards to the tipping face and construction areas. Phil is confident this can be co-ordinated and the system retrofitted. The ponds will be dredged after the new system is implemented.

Allan commented that incineration still has to be a part of the waste management process as it was apart of the original hearings. Hugh thought 65% diversion is not achievable and a new incinerator needs to be designed. Councillor Mitchell cited an editorial comment in the Spectator to say some incinerators, which cost 120 million dollars, have the capacity to produce 9-million/per year in electricity.

The SWMMP includes material recycling and organics facilities with only 35% of waste going to Glanbrook, Scott reiterated.

Councillor Mitchell will forward a copy of the new C of A to Hugh and Sheila at the Municipal Centre.

C. Mitchell

Motion: The Glanbrook Landfill Co-ordinating Committee recommends that the City of Hamilton continue to negotiate with the Ministry of Environment for the temporary use of SWARU. Further, that the City of Hamilton immediately begin with the investigation and construction of a new incinerator/energy from waste facility and/or other new technology as part of a complete waste management plan. The motion was moved by Allan, seconded by Ron McMann. Carried unanimously.

3. Update: Hall Road Pumping Station

The engineering report is complete and is under review. The City would like to co-ordinate all pumping stations at the landfill.

Agenda Item

Action

4. Update: Gulls

The propane cannon was put in place after meeting and a noise survey was conducted. The pyrotechnics were very effective. The cannon was shut down on October 15, 2002 due to 2 complaints registered by landfill neighbours. Canadian Waste and City staff will continue to monitor the situation to determine if further action is needed.

5. Update: Leachate Collector System

BreEx is expected back in November to complete the leachate collector system. An onsite meeting will be held with BreEx in the next few weeks.

6. New Business

No new business was raised at the meeting.

The meeting was adjourned at 6:30pm.

	Next Meeting: Monday, November 25, 2002 4:30pm Glanbrook Municipal Center
--	--

**Please review and forward any errors or omissions to Lynda Burton at
(905) 540-5490 or lbarton@city.hamilton.on.ca**

**All members are also requested to forward any items for the next agenda to Phil Jensen at
(905) 546-4436 or [mailto: pjensen@city.hamilton.on.ca](mailto:pjensen@city.hamilton.on.ca)
by November 18, 2002**

Copy to:
Peter Crockett, City of Hamilton

CITY OF HAMILTON

4.7

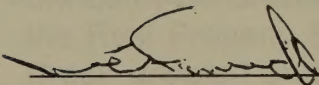
**COMMUNITY SERVICES DEPARTMENT
Corporate Buildings & Real Estate**

Report to: Mayor and Members Committee of the Whole	Submitted by: William E. Fenwick, A/General Manager
Date: November 21, 2002	Prepared by: Wm. Farkas 905-628-4300

SUBJECT: Declaration of Surplus Lands, Former Tweedside Church, 1145 Mud Street East, Stoney Creek (CS02098) (Ward 11)

RECOMMENDATION:

- (a) That the City owned lands located at 1145 Mud Street East, in the former City of Stoney Creek, now in the City of Hamilton, designated as Part 3 on Plan No. RB-S-688 Surveys, dated October 16, 2002, comprising an area of 1230.9 square metres (13249.73 square feet), more particularly shown on Appendix 1 attached hereto, be declared surplus to the requirement of the City of Hamilton in accordance with the City of Hamilton Real Property Sale Procedural By-Law No. 95-049 and the former City of Stoney Creek Procedures for Sale of Real Property By-Law No. 4206-95;
- (b) That the Corporate Building and Real Estate Division be authorized and directed to sell the subject property in accordance with the Real Property Sale Procedural By-Law 95-049 and Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters.


William E. Fenwick, A/General Manager
Community Services

EXECUTIVE SUMMARY:

The purpose of this report is to request City Council's approval to declare the subject lands described as Part 3 on Plan No. RB-S-688 Surveys surplus to the requirements of the City of Hamilton.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Various City Departments, School Boards, Hospital Boards, McMaster University, Mohawk College and the Province of Ontario have been notified of the surplus status of the subject and none have shown interest or objected to the sale subject to:

Planning and Development:

Access to the Tweedside Cemetery be maintained with the sale of the subject property in order to prevent the cemetery from being landlocked.

Transportation Operations & Environment:

The City retaining sufficient lands to establish the property line 18.29 meters from the centerline of the original Mud Street Road Allowance.

Heritage & Urban Design:

LACAC of the former City of Stoney Creek had identified the Tweedside Church as a property worth of designation under Part IV of the Ontario Heritage Act. It is recommended that if the property is declared surplus that a Heritage Easement be negotiated to protect the church from being demolished.

CITY STRATEGIC COMMITMENT:

The declaration of these lands to be surplus and the ultimate sale of the lands will assist in the re-adaptive use and preservation of the historical structure, in the former City of Stoney Creek. The social and cultural impacts of the sale on the community will be protected through the registration of a Heritage Easement as a condition of the sale. Also, as noted previously in this report, the economic impacts through the sale of the subject property will reduce the City's operational costs to maintain a vacant building, while increasing the City's tax base through the adaptive re-use of the building.

TENTH ROAD EAST
ROAD ALLOWANCE BETWEEN LOTS 4 AND 5

Subject Property

MUD STREET EAST

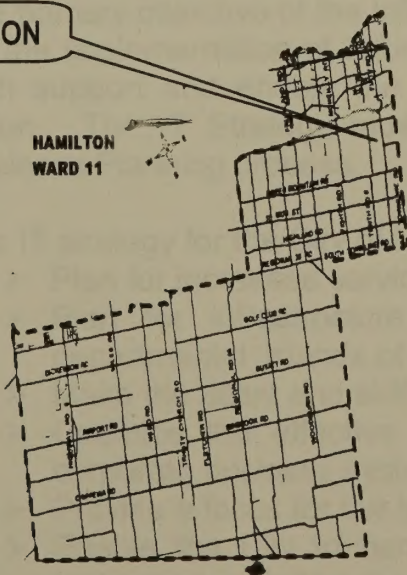
ROAD ALLOWANCE BETWEEN CONCESSIONS 6 AND 7
REGIONAL ROAD No. 123

ELEVENTH ROAD EAST
ROAD ALLOWANCE BETWEEN LOTS 2 AND 3

KEY MAP

LOCATION

HAMILTON
WARD 11



LOCATION PLAN

1143 Mud Street East

CITY OF HAMILTON
Corporate Buildings and Real Estate

LEGEND

SUBJECT LAND

SCALE
NOT TO SCALE

DATE
2002-11-18

REFERENCE FILE NO: 2002-017

CITY OF HAMILTON

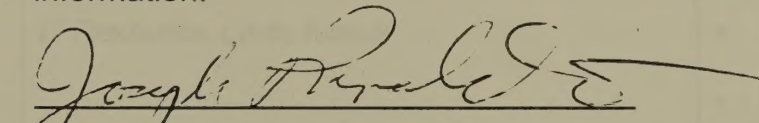
4.8

FINANCE & CORPORATE SERVICES
Information Technology Services

Report to: Mayor and Members Committee of the Whole	Submitted by: Joseph L. Rinaldo, General Manager
Date: November 19, 2002	Prepared by: Louis Shallal 546-2251

SUBJECT: Information Technology Strategy Update - FCS02140 (City Wide)**RECOMMENDATION:**

That report FCS02140 "Information Technology Strategy Update" be received for information.



Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

The primary objective of the Information Technology strategy is to develop a 3-year plan for the implementation of information technology infrastructures and services that will both support and enable the achievement of broader corporate strategies and city vision. The IT Strategy must be aligned with the corporate goals outlined in the Business Planning process.

The IT strategy for the City of Hamilton is required to:

- Plan for increased services to the public over the internet/e-government
- Plan for infrastructure enhancements to meet staff needs and minimize departmental 'islands of technology'
- Make the talent and skill of our IT staff available to all departments
- Optimize the effective use of existing and future investments in enterprise corporate business systems such as PeopleSoft and GIS
- Provide a focus for our interaction with the high tech community
- Enable the City to harness the untapped power and innovation of emerging technologies and leverage the use of technology to reduce overall costs.

The IT Strategy is being developed through a comprehensive consultative process using input from management as well as focus groups from across the corporation. Implementation of the Strategy once developed and approved will be ongoing.

It is expected that the Strategy will be completed in December of 2002 and will be presented to Council early in 2003.

BACKGROUND:

The Corporate Management Team approved the development of a Corporate Information Technology Strategy to deal with a number of key issues facing the City. The Strategy will integrate with and support the Corporate Business plan that is currently being developed.

Overall, the IT Strategy has already noted that the information technology deployed by the IT Services Division and the various operating departments compares well with other municipalities. It is in the process definition and in the technology application that the City of Hamilton falls short in comparison to other Ontario municipalities.

The IT Strategy for the City of Hamilton is required for the reasons outlined in the Executive Summary above.

ANALYSIS OF ALTERNATIVES:

There were two basic alternatives for the development of the IT Strategy. The first is the traditional one whereby the city would retain a consultant who would drive the strategy development, collect the necessary information, meet with the key stakeholders and write and submit the Strategy document. The second approach is to build the strategy through in-house resources with as much participation and consultation with the users throughout the corporation as possible and retain consulting services only for expertise when needed and to facilitate the process as required.

The Corporate Management Team in June of 2002 chose the second approach detailed below and the Chief Information Officer (CIO) was directed to produce the Strategy by the year's end.

Process for Developing the Information Technology Strategy:

The approach used for the development of the IT Strategy encompassed the creation of an IT Steering Committee (ITSC), 4 working teams (Human Services; Hard Services; e-Government and IT Infrastructure) and selected focus groups. The IT Steering Committee consists of the CIO, the Director of Information Technology Operations, and 1 director level representative from each department. The 4 focus groups consist of at least 1 representative from each department plus 1 IT resource person. The teams have been established as follows:

HUMAN SERVICES TEAM	
Co-leads	Topics Covered
Helen Hale Tomasik, SPHS Jane Lee, Corporate Secretariat IT Resource, Kevin Smith	▪ Customer Relationship Management ▪ Education/training ▪ Recruitment/Retention ▪ Provincial Applications
HARD SERVICES TEAM	
Co-leads	Topics Covered
Lou DiGironimo, TOE Roy Duncan, TOE Paul Mason, Planning and Development IT Resource, James Rickert	▪ GIS/Land Information Systems ▪ Maintenance Management Systems ▪ Infrastructure Asset Management
E-GOVERNMENT TEAM	
Co-leads	Topics Covered
Tony Tollis, Finance & Corporate Services Phil Mostert, FibreWired Norm Schleeahn, Economic Development IT Resource, Linda Kurluk	▪ Promote and Enable Economic Development ▪ Build Relationships with Federal and Provincial Governments ▪ Promote Community Networks and External Relations ▪ Deliver Responsive and Proactive Services to All ▪ Enhance Two-Way Communication with Public, Staff and Stakeholders
IT INFRASTRUCTURE TEAM	
Co-leads	Topics Covered
Mark Amorosi, Human Resources Ken Roberts, Community Services IT Resource, Filipe Janicas	▪ Knowledge Management/Intranet ▪ Business Intelligence ▪ Finance and Human Resources ERP ▪ IT Asset Management ▪ Benchmarking / Best Practices ▪ Policies/Service Level Agreements ▪ EAI/Data/System Interfaces ▪ Right Technology ▪ Outward Facing

Five guiding principles are used to formulate the framework for the IT Strategy:

- Service to the Citizen
- Support to Business Needs
- Integration at every relevant opportunity
- Value of investment; and
- Collaboration and Co-operation.

The strategy will develop a 3-year plan (2003 to 2005) in a 13-step process, which deploys intensive consultation and participation during 3 strategic sessions for each team. These sessions are being facilitated by 4 individual consultants retained on a per

diem basis, (1 consultant per team). Two of these 3 strategic sessions have been completed for each team. These sessions included an environmental scan, a needs analysis, a SWOT analysis and the development of IT strategic directions. The 3rd strategic session will include the development of recommended projects and initiatives, which will be mapped against the strategic directions, the 5 guiding principles. This will produce a list of projects that will then be prioritized for 2003, 2004 or 2005 implementation.

Implementation of the Strategy once approved will be ongoing. The Strategy will be revisited regularly, and refined or revised to reflect changing priorities. In addition, an annual update will be provided to Council that will provide a status or 'progress' report on actions outlined in the approved Information Technology Strategy document.

It is expected that the strategy will be completed in December of 2002 and will be presented to Council early in 2003.

Strategic Directions

During the IT Strategy development process, the IT Steering Committee and the 4 teams have developed the following **nine** strategic directions for the role of IT in the corporation:

1. Deliver effective customer service

This would lead to consistent levels of serving the public through a number of different channels as well as to the effective use of technology to deliver continuously improving customer service. Interaction with the citizens, such as customer surveys, would be used as a means to measure our performance. This strategic direction would involve first, leveraging/optimizing the use and functionality of our existing technology, second, integrating existing systems and data where possible and finally implementing new solutions when necessary.

2. Establish a Technology Management Framework.

Establishing this framework would clarify the roles and responsibilities for IT services, both for the Information Technology Services Division and for the user departments. This would lead to: an IT organization structure that meets the needs of the corporation; the creation of an IT steering committee with members from across the corporation to deal with technology issues as well as the development of effective Information Technology policies and programs.

3. Develop high performance, tech savvy, knowledge workers.

This would lead to providing staff with access to the training and tools necessary to do their job as effectively as possible. It would be in concert with the best practice recruitment described in the Human Resource Strategy.

4. Accomplish online government transformation.

This would lead to the creation of a web presence for providing services currently available through conventional means such as phone, mail or in person (over the counter). The web site would provide community information that would support economic development and tourism, provide transactional and e-commerce capabilities as well as provide transparent access to services provided by all levels of government.

5. Promote online employee access.

This would increase the ability of staff to have access to the necessary corporate data and information, anytime from anywhere. In turn, this would enhance the effectiveness of mobile employees by providing access from remote locations to all relevant data when needed. As well, this direction will establish the necessary infrastructure to allow employees to effectively work from home where appropriate.

6. Build partnerships and relationships with external agencies and other levels of government

This will include partnerships with academic institutions, other municipalities, provincial agencies, federal agencies, as well as working with the technology community in the City.

7. Streamline processes and encourage data integration and data sharing through co-operation and collaboration.

This would lead towards reducing the number of duplicate processes and systems, and also eliminate duplicate data capture and maintenance. This direction would encourage the integration of data and cross-departmental collaboration to establish a database of record and a credible source for needed data and information.

8. Provide secure and reliable IT infrastructure to meet the current and future needs of the City.

This would lead to an integrated IT Infrastructure for voice and data to meet the technology needs of the corporation both now and in the future.

9. Develop a sustainable funding model

A sustainable funding model would lead to the effective utilization of scarce IT budgets and may require the pooling of resources to implement corporate technology solutions as well as the formation of public/private partnerships or partnerships with external agencies.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial:

This project was identified in the 2002 Capital Budget. \$100,000 has been allocated and approved for this project, to cover the cost of consultants and focus group meetings. After the Information Technology Strategy is developed, there may be other costs associated with the implementation of specific projects and initiatives flowing from the Strategy. These costs will be provided for as necessary in future budget submissions.

Staffing:

All staff will have the opportunity to provide input into the Information Technology Strategy through participation in a focus group or through an Open House.

POLICIES AFFECTING PROPOSAL:

IT policies associated with the appropriate use of computers, the internet and the intranet will be affected by the outcome of the IT Strategy.

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

To confirm the direction of the IT Strategy and to more fully define the details of the initiatives and program contained within the Strategy, participation and representation from across the corporation is taking place through:

- The IT Steering Committee with directors from all the corporate departments
- The focus groups established for each of the 4 teams and
- Staff resources from the IT Services Division.

The IT Steering Committee will also receive input from staff and the community through a planned open house later this year. Information gathering surveys are also being conducted with members of the IT Steering Committee and Members of Corporate Management Team. There will be consultation as well with each member of City Council following receipt of this information report.

CITY STRATEGIC COMMITMENT:

The Information Technology Strategic Plan will assist the City in achieving 4 of the Corporate Goals in the following areas:

1. A City that Spends Wisely and Invests Strategically: The Strategy will work towards; optimizing the systems that are already in place; integrating the existing systems to reduce processes, improve data integrity and reduce duplicating

investments in technology; and corporate wide involvement in any new technology that will be implemented in the city.

2. A High Performance Work Force: Two of the nine Strategic directions deal with this through developing a high performance, tech savvy, knowledge worker and also by promoting online employee access. This would lead to providing staff with access to the training and tools needed to do their jobs effectively, both in the office and from remote locations.
3. A City Where People Come First: Through the e-government initiatives the public will have increased access to City services and information.
4. A City of Growth and Opportunity: In working with the Economic Development department and the Tourism Board, the strategy will deal with initiatives that will assist in growth of the community and in attracting tourists to the area. Initiatives such as virtual tours of this city, and online applications for services will enhance both of these areas.

CITY OF HAMILTON

4.9

PLANNING AND DEVELOPMENT DEPARTMENT
Development Division

Report to:	Mayor and Members Committee of the Whole	Submitted by:	Lee Ann Coveyduck General Manager
Date:	November 15, 2002	Prepared by:	S. Woodall
File:	ZAR-02-61		(905) 546-4320

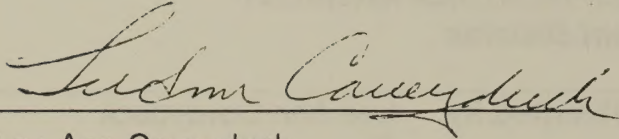
SUBJECT: Removal of Holding Symbol for Block 163, Plan 62M-831, Tranquillity Avenue, Applicant – Empire Foxwood Townhomes (PD02237) (Ward 12)

RECOMMENDATION:

That approval be given to **Zoning Application ZAR-02-61, Empire Foxwood Townhomes, owners**, for removal of the Holding provision for lands zoned Residential Multiple Zone "RM4-399-H" Holding Zone, to permit a block townhouse development, Plan 62M-831, for the lands located on Tranquillity Avenue (former Town of Ancaster), as shown as Appendix "A", to Report PD02237, on the following basis:

- (a) That the subject lands be rezoned from Residential Multiple – Holding "RM4-399-H" to Residential Multiple "RM4-399";
- (b) That the attached By-law, marked as Appendix "B" to Report PD02237, to remove the Holding "H" provision from lands located at Block 163, Tranquillity Avenue (former Town of Ancaster), which has been prepared in a form satisfactory to Corporate Counsel, be enacted by Council;
- (c) That Schedule "B", of Zoning By-law No. 87-57 (Ancaster), be amended by marking the lands, shown on Appendix "A" to Report PD02237, as Residential Multiple Zone "RM4-399"; and,
- (d) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the former Town of Ancaster Official Plan.

SUBJECT: Removal of Holding Symbol for Block 163, Plan 62M-831, Tranquillity Avenue, Applicant – Empire Foxwood Townhomes (PD02237) (Ward 12) - Page 2 of 4



Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The applicant has applied for a Minor Zoning By-law Amendment to permit the removal of the Holding provision "H" from the Residential Multiple Holding Zone "RM4-399-H" for the subject lands, which are located at Tranquillity Avenue (former Town of Ancaster), to the south of Morwick Drive and east of Shaver Road (see Appendix "A"), in order to permit the development of a townhouse block. The "RM4-399-H Zone requires that the Holding provision remain in place, until a Site Plan Agreement has been entered into with the municipality. The Site Plan was conditionally approved on October 17, 2002, and the registration of the Site Plan Agreement is imminent.

The proposal conforms to the policies of the Hamilton-Wentworth Official Plan and is considered to fall within the parameters of the Provincial Policy Statement.

The proposal conforms to the Ancaster Official Plan and Zoning By-law No. 87-57, as amended.

Based on the above, the Zoning Amendment application, for the removal of the Holding symbol provision, can be supported.

BACKGROUND:

Proposal

The applicant has applied for a Minor Zoning By-law Amendment to permit the removal of the Holding provision "H" from the Residential Multiple Holding Zone RM4-399-H for the subject lands, which are located at Tranquillity Avenue (former Town of Ancaster), to the south of Morwick Drive and east of Shaver Road (see Appendix "A"), in order to permit the development of a townhouse block. The "RM4-399-H Zone requires that the Holding provision remain in place, until a Site Plan Agreement has been entered into with the municipality.

SUBJECT: Removal of Holding Symbol for Block 163, Plan 62M-831, Tranquillity Avenue, Applicant – Empire Foxwood Townhomes (PD02237) (Ward 12) - Page 3 of 4

Details of Submitted Application

Owners: Ancaster – Jerseyville Estates Limited
Agent: AGH Consultants (Stephen Armstrong)
Description: Townhouse Block Development

ANALYSIS OF ALTERNATIVES:

Should this application not be approved, the applicant will not be able to proceed with the development of the townhouse block on Registered Plan 62M-831.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: No implications on financial resulting.
Staffing: No implications on staffing resulting.
Legal: Council approval of a By-law Amendment to remove the Holding symbol is required under the Planning Act. A Public Hearing is not required; however, notice of the intent to pass the By-law must be given.

POLICIES AFFECTING PROPOSAL:

- Provincial Policy Statement

The proposal is considered to fall within the parameters of the Provincial Policy Statement.

- Hamilton-Wentworth Official Plan (2002)

The proposal conforms to the Hamilton-Wentworth Official Plan, as the subject lands have been identified as being designated within the Urban Area (C-3.1) in the Hamilton-Wentworth Official Plan.

- Ancaster Official Plan

The proposal conforms to the Ancaster Official Plan, as the subject lands are designated as Residential.

SUBJECT: Removal of Holding Symbol for Block 163, Plan 62M-831, Tranquillity Avenue, Applicant – Empire Foxwood Townhomes (PD02237) (Ward 12) - Page 4 of 4

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Agencies/Departments Having No Concerns or Objections:

- Planning and Development Department – Legislative Approvals
- Planning and Development Department – Building and Licensing Division
- Transportation, Operations and Environment Department, Traffic Operations and Engineering

CITY STRATEGIC COMMITMENT:

The proposal will provide the opportunity for development in a designated "Residential" area, which is consistent with the goals for sustainable development. Approval of the application would not result in any negative health, social, environmental or economic impacts.

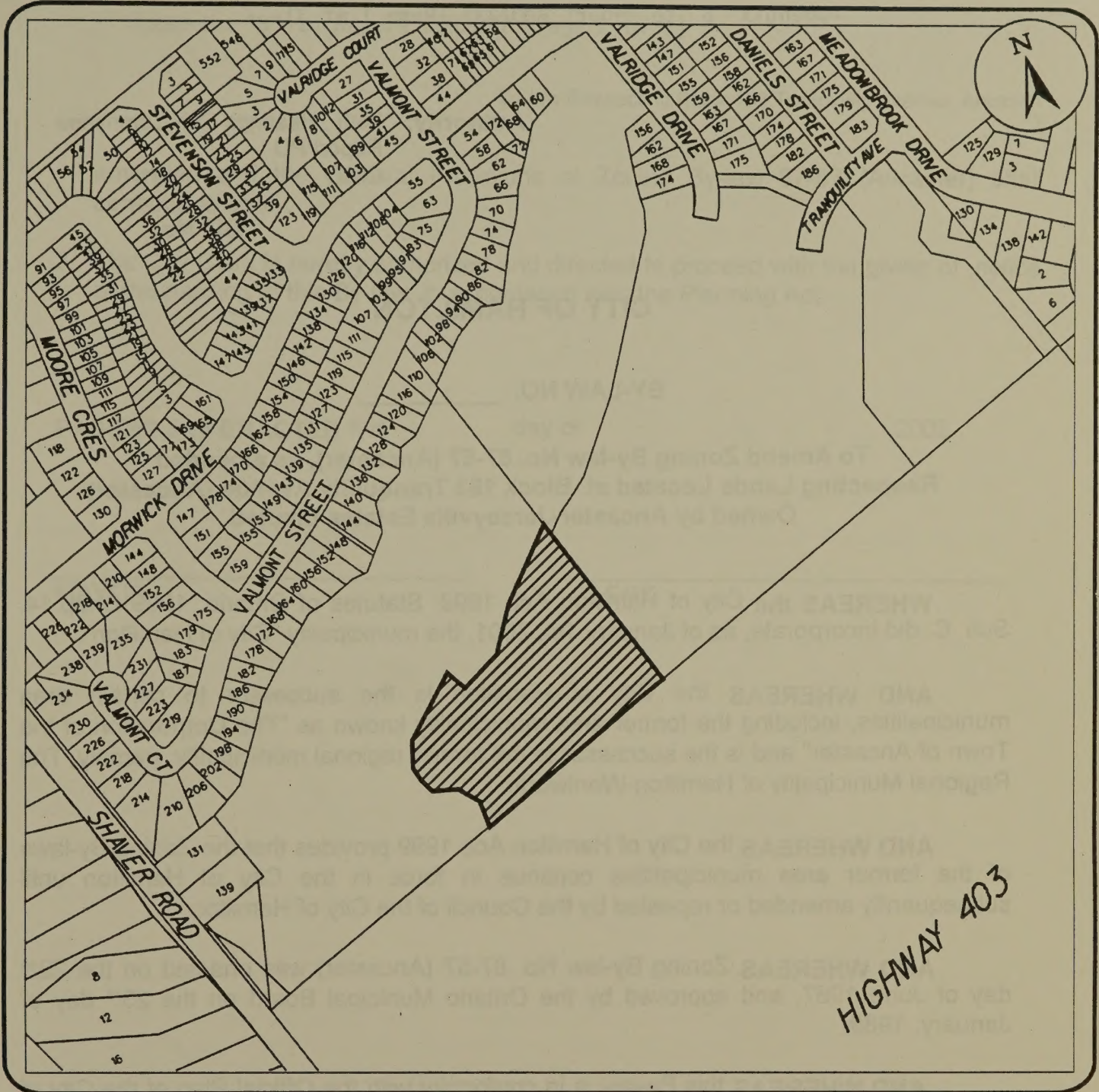
COMMENTS:

The lands are designated Residential in the Ancaster Official Plan and the proposal to remove the Holding provision will permit the townhouse development in accordance with those policies. The condition of removal of the Holding provision was the registration of a Site Plan Agreement. The site plan was conditionally approved on October 17, 2002, and the registration of the Site Plan Agreement is imminent.

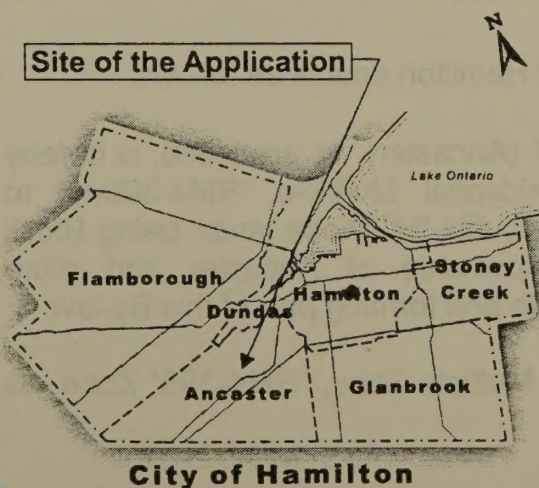
CONCLUSION:

Based on the above, the Zoning Amendment application, for the removal of the Holding symbol provision, can be supported.

:SW
Attachs. (2)

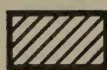


Site of the Application



CITY OF HAMILTON
PLANNING AND DEVELOPMENT DEPARTMENT

Location Map



Subject Property

"Castle Ridge Town Villas"
Block 163, R.P. 62M-831, Tranquility Ave
(former Town of Ancaster)

Filename/number

DA-02-117

Date

June 7, 2002

Technician:

CL

Map Not to Scale

Appendix "A"

Authority: Item , Hearings Sub-Committee
Report PD
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend Zoning By-law No. 87-57 (Ancaster), as amended
Respecting Lands Located at Block 163 Tranquility Avenue (Ancaster)
Owned by Ancaster-Jerseyville Estates Limited**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Ancaster" and is the successor to the former regional municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster).

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule "B", Map 1 of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby amended by changing the zoning from Residential Multiple "RM4-399-H" to Residential Multiple "RM4-399" by removing the suffix "H" those lands being Block 163 Tranquility Avenue, former geographic township of Ancaster and more particularly shown on Schedule 'A' attached hereto and forming part of this By-law.
2. All other regulations of Section 17- Residential Multiple Zone, "RM4-399" Zone, as

amended and the General Provisions of Zoning By-law 87-57 (Ancaster) shall continue to apply.

3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this _____ day of _____, 2002.

MAYOR

CLERK

Lee Ann Conway
General Manager
Planning and Development Department

EXECUTIVE SUMMARY

The purpose of this report is to provide information regarding the proposed By-law and to provide a summary of the public hearing process. The By-law is a Zoning By-law that will amend the existing Zoning By-law 87-57 to provide for the development of Block 163 Tranquility Avenue, Ancaster. The By-law is a Zoning By-law that will amend the existing Zoning By-law 87-57 to provide for the development of Block 163 Tranquility Avenue, Ancaster.

BACKGROUND

PRESENT ZONING

PRESENT USE

PROPOSED ZONING

PROPOSED USE

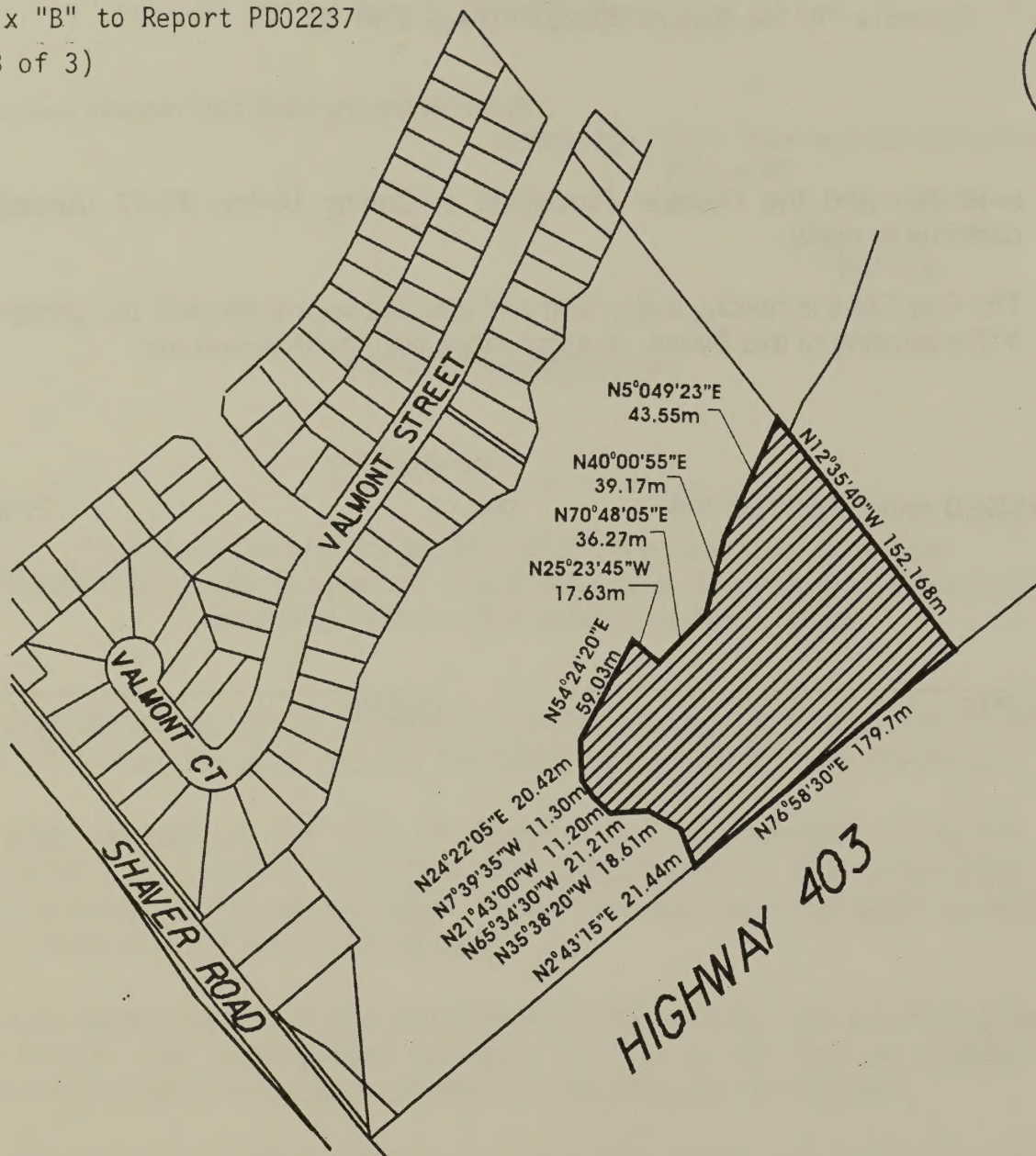
COMMENTS

CONCLUSION

Schedule "A"

Map Forming Part of
By-law No. 02-05

Hamilton



This is Schedule "A" to By-Law No. 02 -.....

Clerk

Passed the day of, 2002.

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 02-_____

to Amend By-Law No. 87-57



Hamilton

Planning and Development Department

Legend



Subject Property

Remove the "H" provision from the
"RM4-399-H" Residential Multiple Holding
Zone, Tranquility Avenue

North



Scale
NOT TO SCALE

Date
November 13, 2002

Reference File No.
ZAR-02-61

Drawn By
NM

CITY OF HAMILTON

4.10

**PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division**

Report to: Mayor and Members
Committee of the Whole

Submitted by: Lee Ann Coveyduck
General Manager

Date: November 15, 2002

Prepared by: Frank Peter

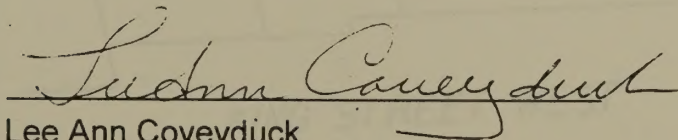
File: 02 194685

(905) 546-2781

SUBJECT: Demolition Permit – 19 Dundurn Street North (PD02241) (Ward 1)

RECOMMENDATION:

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 19 Dundurn Street North in accordance with By-Law 74-209 pursuant to Section 33 of The Planning Act as amended.



Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The owner is proposing to demolish the existing single family dwelling, merge the lands with the adjacent properties and construct a new gas station and convenience store. There is a Site Plan Application DA-02-215 submitted, however as of this date the site plan application has not been finalized.

BACKGROUND:

PRESENT ZONING: H/S-1463 (Map W-22)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Gas Station and Convenience Store

BRIEF DESCRIPTION: The owner is proposing to demolish the existing single family dwelling, merge the lands with adjacent properties and construct a new gas station and convenience retail store under Site Plan Application DA-02-215. As of this date, the

application has not been finalized. These lands are in the Strathcona neighbourhood and are located in Ward 1. Please see attached location map shown as Attachment A to Report PD02241.

No LACAC interest. Lot size 7.62m x 22.86m

The owner of the property, as per the demolition permit application is:

Imperial Oil Ltd.
PO Box 1490
Fonthill, ON L0S 1E0

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – N/A

Staffing – N/A

Legal – N/A

POLICIES AFFECTING PROPOSAL:

N/A

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

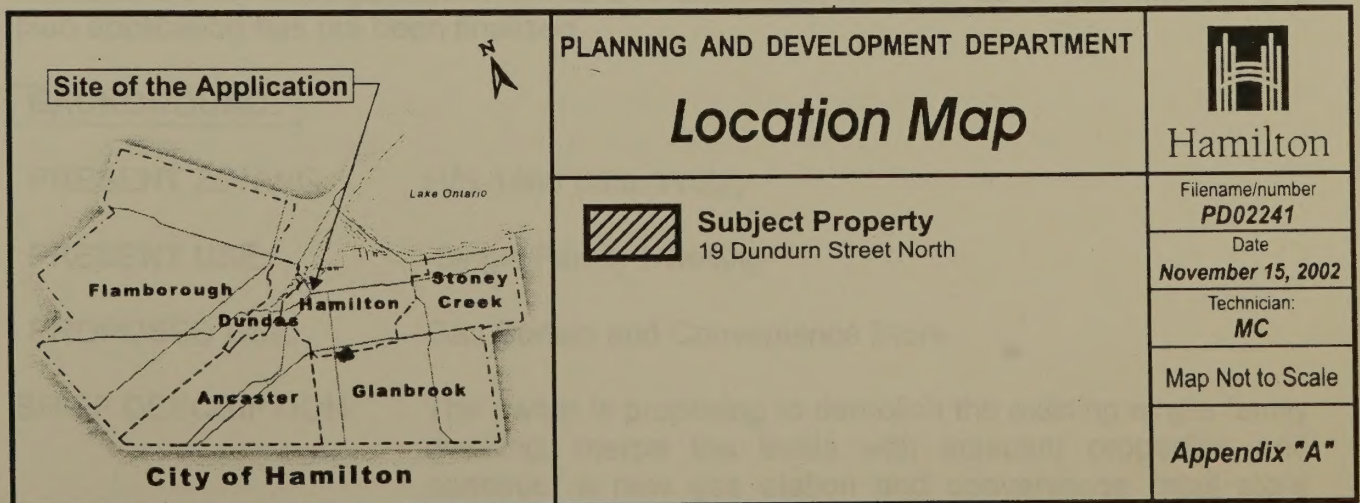
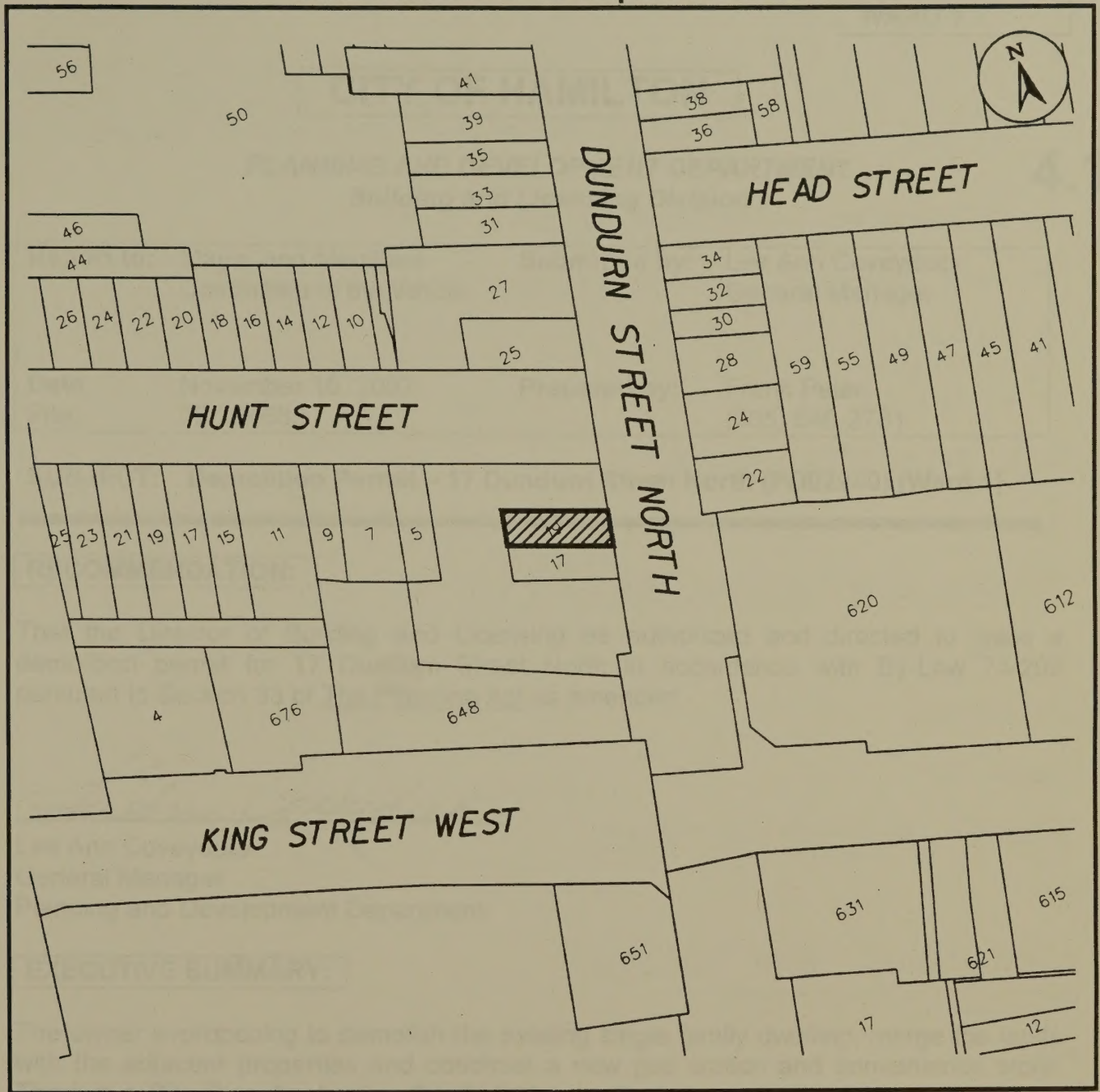
N/A

CITY STRATEGIC COMMITMENT:

This property is not listed on the City's inventory list as being of interest to the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), therefore, there are no issues with heritage preservation.

:FP
Attach. (1)

Attachment 'A' to Report PD02241



CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

4.11

Report to: Mayor and Members
Committee of the Whole

Submitted by: Lee Ann Coveyduck
General Manager

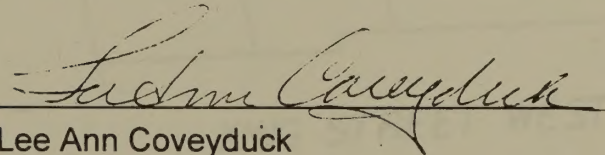
Date: November 15, 2002

Prepared by: Frank Peter
File: 02 194689 (905) 546-2781

SUBJECT: Demolition Permit – 17 Dundurn Street North (PD02240) (Ward 1)

RECOMMENDATION:

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 17 Dundurn Street North in accordance with By-Law 74-209 pursuant to Section 33 of The Planning Act as amended.



Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The owner is proposing to demolish the existing single family dwelling, merge the lands with the adjacent properties and construct a new gas station and convenience store. There is a Site Plan Application DA-02-215 submitted, however as of this date the site plan application has not been finalized.

BACKGROUND:

PRESENT ZONING: H/S-1463 (Map W-22)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Gas Station and Convenience Store

BRIEF DESCRIPTION: The owner is proposing to demolish the existing single family dwelling, merge the lands with adjacent properties and construct a new gas station and convenience retail store under Site Plan Application DA-02-215. As of this date, the

application has not been finalized. These lands are in the Strathcona neighbourhood and are located in Ward 1. Please see attached location map shown as Attachment A to Report PD02240.

No LACAC interest. Lot size 7.62m x 24.38m

The owner of the property, as per the demolition permit application is:

Imperial Oil Ltd.
PO Box 1490
Fonthill, ON L0S 1E0

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – N/A

Staffing – N/A

Legal – N/A

POLICIES AFFECTING PROPOSAL:

N/A

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

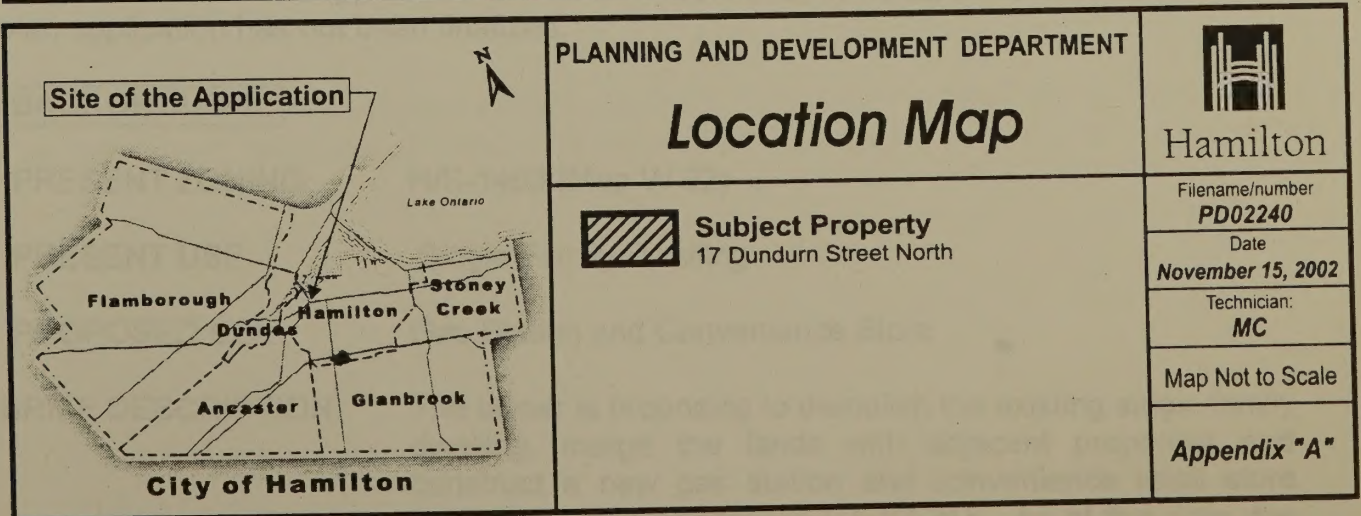
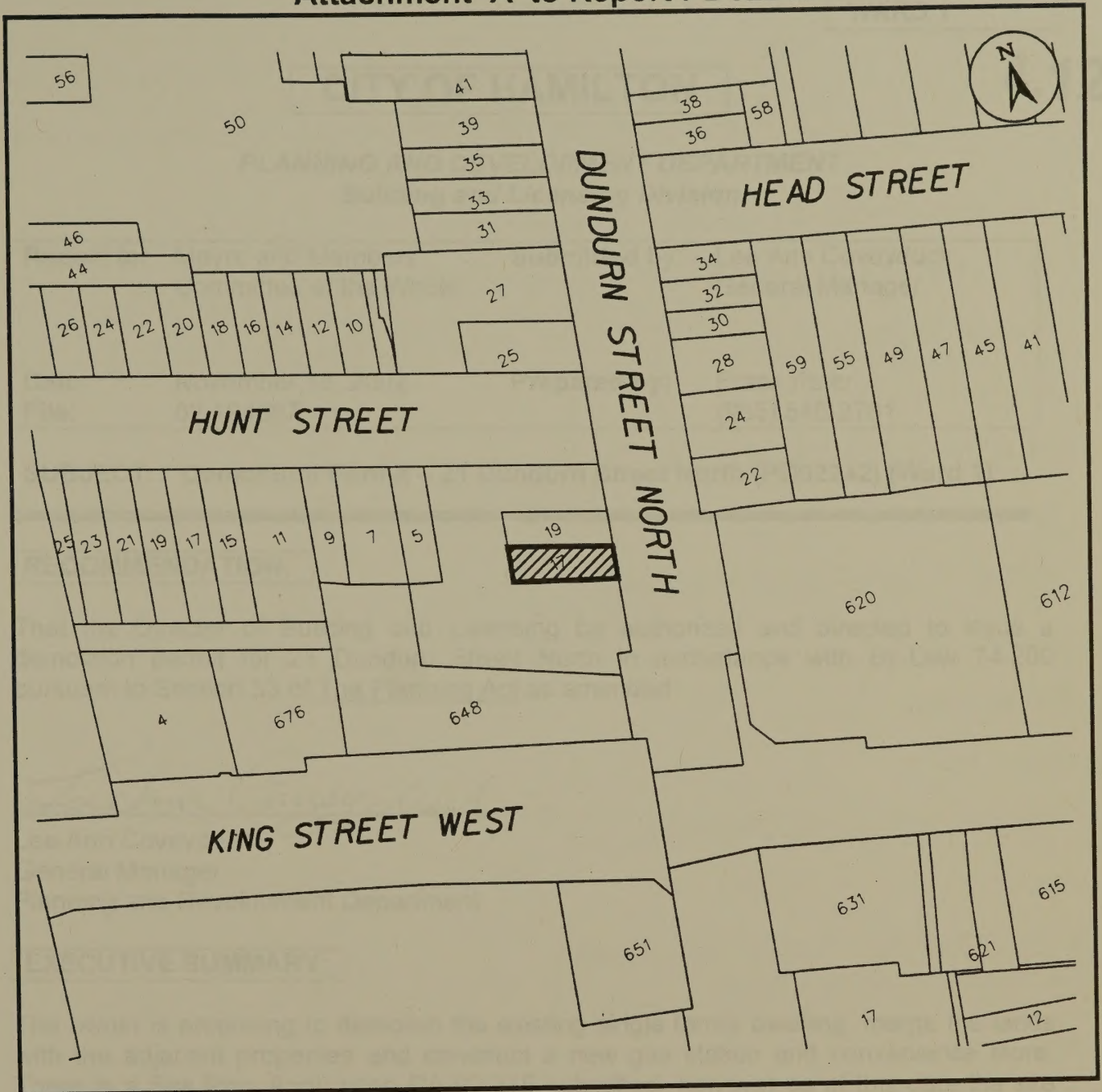
N/A

CITY STRATEGIC COMMITMENT:

This property is not listed on the City's inventory list as being of interest to the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), therefore, there are no issues with heritage preservation.

:FP
Attach. (1)

Attachment 'A' to Report PD02240



CITY OF HAMILTON

4.12

PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to: Mayor and Members
Committee of the Whole

Submitted by: Lee Ann Coveyduck
General Manager

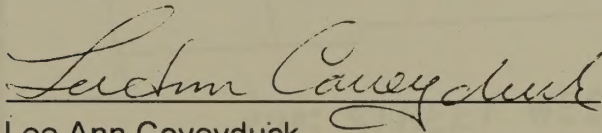
Date: November 15, 2002
File: 02 194687

Prepared by: Frank Peter
(905) 546-2781

SUBJECT: Demolition Permit – 21 Dundurn Street North (PD02242) (Ward 1)

RECOMMENDATION:

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 21 Dundurn Street North in accordance with By-Law 74-209 pursuant to Section 33 of The Planning Act as amended.



Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The owner is proposing to demolish the existing single family dwelling, merge the lands with the adjacent properties and construct a new gas station and convenience store. There is a Site Plan Application DA-02-215 submitted, however as of this date the site plan application has not been finalized.

BACKGROUND:

PRESENT ZONING: H/S-1463 (Map W-22)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Gas Station and Convenience Store

BRIEF DESCRIPTION: The owner is proposing to demolish the existing single family dwelling, merge the lands with adjacent properties and construct a new gas station and convenience retail store under Site Plan Application DA-02-215. As of this date, the

application has not been finalized. These lands are in the Strathcona neighbourhood and are located in Ward 1. Please see attached location map shown as Attachment A to Report PD02242.

No LACAC interest. Lot size 10.36m x 22.86m

The owner of the property, as per the demolition permit application is:

Imperial Oil Ltd.
PO Box 1490
Fonthill, ON L0S 1E0

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – N/A

Staffing – N/A

Legal – N/A

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

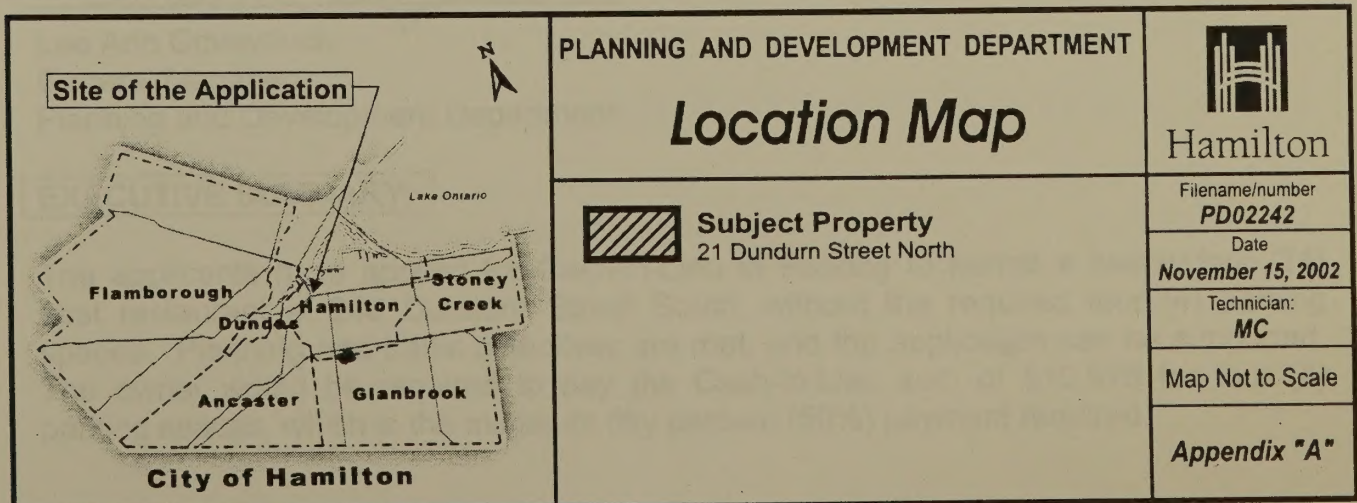
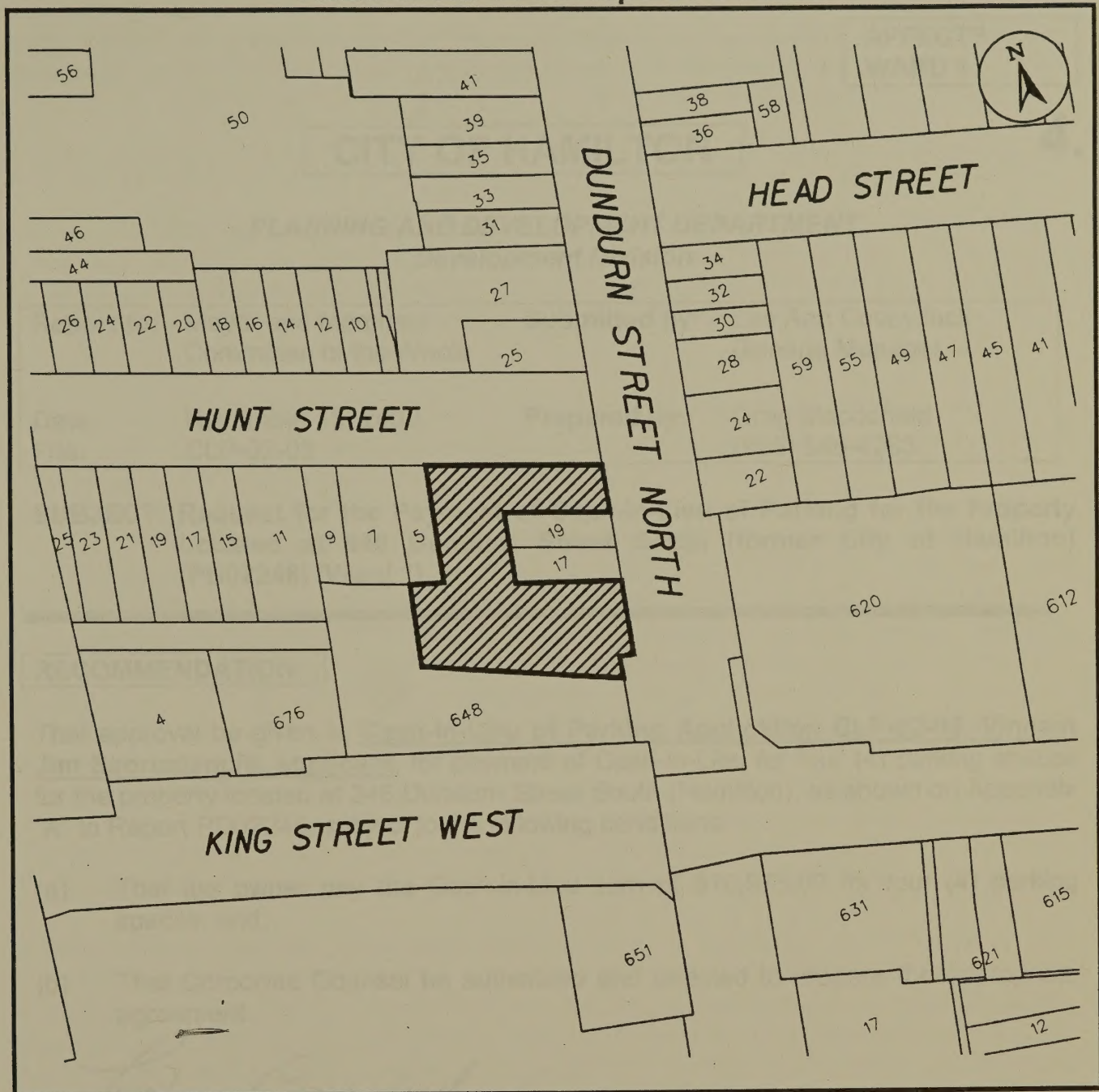
N/A

CITY STRATEGIC COMMITMENT:

This property is not listed on the City's inventory list as being of interest to the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), therefore, there are no issues with heritage preservation.

:FP
Attach. (1)

Attachment 'A' to Report PD02242



CITY OF HAMILTON

4.13

PLANNING AND DEVELOPMENT DEPARTMENT
Development Division

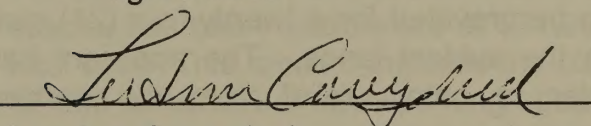
Report to: Mayor and Members Committee of the Whole	Submitted by: Lee Ann Coveyduck General Manager
Date: November 15, 2002	Prepared by: Greg Macdonald
File: CLP-02-03	(905) 546-4283

**SUBJECT: Request for the Payment of Cash-in-Lieu of Parking for the Property
Located at 246 Dundurn Street South (former City of Hamilton)
(PD02246) (Ward 1)**

RECOMMENDATION:

That approval be given to **Cash-in-Lieu of Parking Application CLP-02-03, Vincent Jim Scornaienchi, applicant**, for payment of Cash-in-Lieu for four (4) parking spaces for the property located at 246 Dundurn Street South (Hamilton), as shown on Appendix "A" to Report PD02246, subject to the following conditions:

- (a) That the owner pay the Cash-in-Lieu sum of \$10,975.00 for four (4) parking spaces; and,
- (b) That Corporate Counsel be authorized and directed to prepare the appropriate agreement.


Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The applicants have applied for Cash-in-Lieu of Parking to permit a twenty-four (24) seat restaurant at 246 Dundurn Street South, without the required four (4) parking spaces. Planning and traffic objectives are met, and the application can be supported. The owner would be required to pay the Cash-in-Lieu sum of \$10,975 for four (4) parking spaces, which is the minimum fifty percent (50%) payment required.

SUBJECT: Request for the Payment of Cash-in-Lieu of Parking for the Property Located at 246 Dundurn Street South (former City of Hamilton) (PD02246) - Page 2 of 3

BACKGROUND:

Minor Variance Application A-02:225 (246 Dundurn Street South)

The Committee of Adjustment approved Minor Variance Application A-02:225 in October, 2002. The application was to permit a twenty-four (24) seat restaurant notwithstanding:

- a restaurant use is located in a "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District where it is not permitted; and,
- the existing north and south side yard widths of 0.0 metres shall be maintained instead of the minimum required side yard width of 1.2 metres.

The application was approved with the condition that the applicant apply for, and receive, approval for an application for Cash-in-Lieu of Parking. The applicants had indicated that they were not seeking a variance for reduced parking, but rather would pursue a Cash-in-Lieu of Parking application. The Planning and Development Department (Development Planning) supported the variances as the restaurant use in the "D" District is a technicality as the majority of the property is zoned "H" (Community Shopping and Commercial) District, which permits the use. The variance for reduced side yards reflects an existing situation.

Cash-in-Lieu of Parking Application CLP-02-03 (246 Dundurn Street South)

The applicants have proposed a twenty-four (24) seat restaurant/cafe on the property known municipally as 246 Dundurn Street South. City of Hamilton Zoning By-law No. 6593 requires one (1) parking space to be provided for every six (6) seats. Therefore, a total of four (4) parking spaces are required to be provided for a twenty-four (24) seat restaurant. There is no parking available on the subject lands. The applicant has applied for Cash-in-Lieu of Parking in order to obtain relief from the parking requirements.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Pursuant to Section 40 of the Planning Act, Council approval is required for Cash-in-Lieu of Parking. The City will collect \$10,975 for the Cash-in-Lieu fund, which is the minimum fifty percent (50%) payment required.

SUBJECT: Request for the Payment of Cash-in-Lieu of Parking for the Property Located at 246 Dundurn Street South (former City of Hamilton) (PD02246) - Page 3 of 3

CITY STRATEGIC COMMITMENT:

The proposal does not conflict with the goals of the Strategic Plan of the City of Hamilton or the Sustainable Development goals of Vision 2020. Commercial development, without on-site parking, encourages alternative means of transportation, including public transit and cycling and is pedestrian friendly.

COMMENTS:

The Cash-in-Lieu of Parking Committee received the submission and recommended approval of the application for the following reasons:

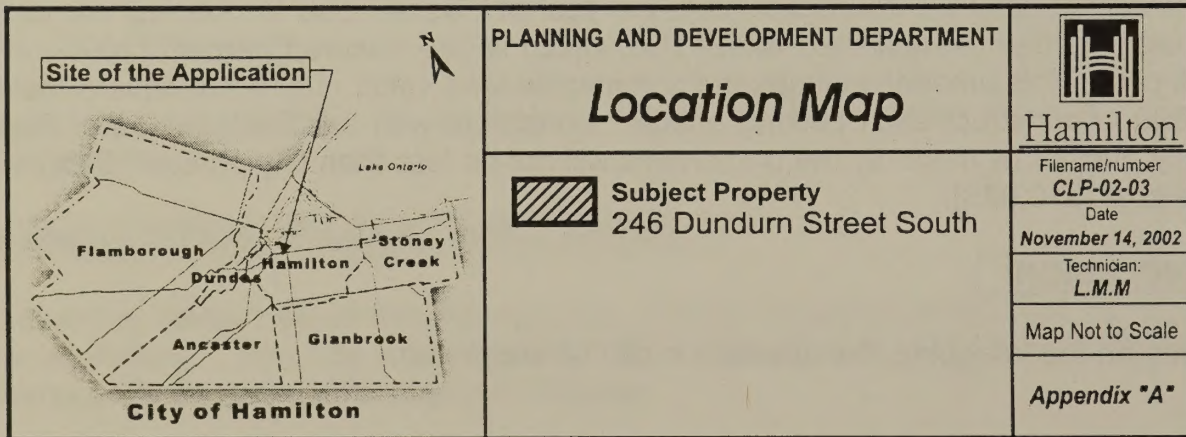
- The Parking and Enforcement Operations Section of the Finance and Corporate Services Department has indicated that the application for four (4) spaces will have a minimal impact on the adjacent streets. However, the Parking and Enforcement Operations Section has no plans to establish municipal parking in the immediate vicinity of the proposal;
- Dundurn Street South is a mixed-use area with commercial, low-density, and medium-density residential uses located in close proximity. There is not a predominance of commercial or other restaurant uses along the street;
- Street parking is available on Dundurn Street South and Charlton Avenue West. Public transit is also available; and,
- Planning and traffic objectives are satisfied.

For the information of the Committee, the cost of Cash-in-Lieu for the four (4) parking spaces has been established at \$21,950, which is one hundred percent (100%) of the total cost. This amount includes the commercial land value of \$10 per square foot and \$2,000 to construct each parking space. Consistent with the Cash-in-Lieu of Parking policy, payments made by the proponents will not be less than fifty percent (50%) of the total cost (\$10,975).

CONCLUSION:

Based on the foregoing, the application can be supported.

:GM
Attach. (1)



CITY OF HAMILTON

COMMUNITY SERVICES DEPARTMENT
Corporate Buildings and Real Estate

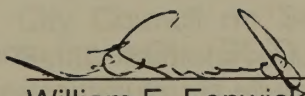
4.14

Report to: Mayor and Members Committee of the Whole	Submitted by: William E. Fenwick, A/General Manager
Date: November 21, 2002	Prepared by: Vince DiPietro 905-628-2144

SUBJECT: Declaration of Surplus Property - Rear of 1545 Stone Church Road East, Hamilton (CS02099) (Ward 6)

RECOMMENDATION:

- (a) That a portion of the City owned vacant lands located at the rear of 1545 Stone Church Road East, designated as part of Part 4 on Plan 62R-11217, comprising an area of approximately 1.1 hectares (2.7 acres), be declared surplus to the requirement of the City of Hamilton in accordance with the City of Hamilton Real Property Sale Procedural By-Law 95-049;
- (b) That the Corporate Building and Real Estate Division be authorized and directed to sell the subject property in accordance with the Real Property Sale Procedural By-Law 95-049 and Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters.



William E. Fenwick, A/General Manager
Community Services

EXECUTIVE SUMMARY:

The purpose of this report is to request City Council's approval to declare vacant lands described as part of Part 4 on Plan 62R-11217 surplus to the requirements of the City of Hamilton. This recommendation is preceding the Real Estate Section entering into negotiations with abutting owners to dispose of the subject lands.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 6.

Effective January 1, 1995 the Municipal Act was amended by Bill 163, requiring municipalities to enact a by-law to establish procedures for the sale of real property owned by a municipality. Subsequently, the former City of Hamilton adopted and enacted the Real Property Sale Procedural By-Law 95-049. This By-Laws requires that all municipally owned real property intended to be sold, be surplus to municipal requirements and if so, Council shall by by-law or resolution, declare the property surplus.

**Vacant lands located at the rear of 1545 Stone Church Road East, Hamilton
Part of Part 4 on Plan 62R-11217**

The Muslim Association of Hamilton has requested the opportunity to purchase an irregular parcel to the rear of their lands at 1545 Stone Church Road East.

The lands have dimensions of approximately 100' by 250' parcel (.5 acres). This area is a portion of the approximately 1.1 Hectares (2.7 Acres) of the land acquired for the East/West Expressway. After the completion of the Expressway these lands are now surplus to the requirement of this road project.

The Muslim Association is attempting to re-develop their lands for a new Muslim School and Mosque, of which the construction costs are estimated at one million dollars or more. The subject City lands would be used for parking.

The site is landlocked and the zoning is "M-14" – Prestige Industrial and designated Industrial in the Albion Falls Neighbourhood. While only the Muslim Association has shown interest in the lands to the rear of their existing property, the balance of the former Expressway lands should also be declared surplus and offered to the other abutting owners.

The Transportation, Operations & Environment Department (TOE) (Design and Construction Section) has advised that there are no major drainage or structural issues associated with the release of these lands but that the new property line should be 300mm (1 foot) inside the existing fence line. Design has also requested that as a condition of the sale that the purchaser should provide a site-grading plan to ensure that local drainage issues are addressed and that no further road access be made available to these lands.

Various City Departments, School Boards, Hospital Boards, McMaster University, Mohawk College and the Province of Ontario have been notified of the surplus status of the subject and none have shown interest or objected to the sale of the subject property.

ANALYSIS OF ALTERNATIVES:

If Council does not choose to declare the lands surplus to the requirements of the City of Hamilton, the development and expansion at 1545 Stone Church Road East will likely not proceed. While the enlarged site would not generate any additional property tax assessments, as the lands would be exempt, the construction cost of approximately one million dollars would provide significant employment for the local area.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

If this recommendation is approved, staff will take the necessary steps to dispose of the subject lands at market value.

Staffing

N/A

Legal

N/A

POLICIES AFFECTING PROPOSAL:

Effective January 1, 1995 the Municipal Act was amended by Bill 163, requiring municipalities to enact a by-law to establish procedures for the sale of real property owned by a municipality. Subsequently, the former City of Hamilton adopted and enacted the Real Property Sale Procedural By-Law 95-049. These By-Laws and in accordance with Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters require that all municipally owned real property intended to be sold, be surplus to municipal requirements and if so, Council shall by by-law or resolution, declare the property surplus.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Various City Departments, in particular TOE, School Boards, Hospital Boards, McMaster University, Mohawk College and the Province of Ontario have been notified of the possible surplus status of the subject lands and none have shown interest or objected to the sale of the subject property.

CITY STRATEGIC COMMITMENT:

The City of Hamilton is committed to promoting the education, health and well being of the citizens of this community.

The declaration of these lands to be surplus and the ultimate sale of the land will assist in the development of a mosque and religious school that will service the Muslim community of the City of Hamilton.

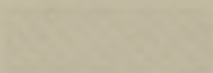


LOCATION PLAN

Map showing the location of the project area within the project area.

Map showing the location of the project area within the project area.

LEGEND



PROJECT AREA

NOT TO SCALE

NOT TO SCALE

NOT TO SCALE

NOT TO SCALE

KEY MAP



CITY OF HAMILTON

4.15

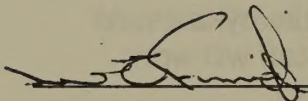
**COMMUNITY SERVICES DEPARTMENT
Culture & Recreation Division**

Report to: Mayor and Members Committee of the Whole	Submitted by: William E. Fenwick, Acting General Manager
Date: November 19, 2002	Prepared by: Marie Worne 546-4646

**SUBJECT: Firework Display – Millgrove Park
(CS02101) (Ward 15)**

RECOMMENDATION:

That approval be granted under the Standard Terms and Conditions of the Special Event Guidelines and with respect to the Fireworks By-law and the Parks By-law 01-219, to Hands Fireworks, on behalf of Mr. Dave Powell for a fireworks display to be conducted on December 28, 2002 at Millgrove Park for a wedding reception.



William E. Fenwick, Acting General Manager
Community Services Department

EXECUTIVE SUMMARY:

A wedding reception being held in Millgrove Park requires approval to hold a fireworks display because it is being held on City property.

Hands Fireworks has been hired for the event to conduct a low level display.

BACKGROUND:

The recommendation information contained in report CS02101 have implications affecting Ward 15.

**SUBJECT: Firework Display for Winterfest and Millgrove Wedding (CS02101)
(Wards 15) - Page 2 of 2**

A request was made by Mr. Bill Powell to hold a fireworks display for a wedding on December 28, 2002 at Millgrove Park.

Staff will ensure all guidelines and insurance requirements are adhered to.

ANALYSIS OF ALTERNATIVES:

Council is required to approve all fireworks display in the new City of Hamilton in accordance with existing municipal by-laws and federal government regulations.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Parks By-law requires that permission must be obtained from the owner of the public park to hold firework displays and to hold carnival rides in a park.

The Fireworks By-law 90-198, Section 17 (01) and Section 26, requires the applicant to obtain permission of the owner of the site or an authorized representative thereof, to set off or hold a display of fireworks.

POLICIES AFFECTING PROPOSAL:

All fireworks displays must comply with the municipal Fireworks & Parks by-laws. All applicants must adhere to the Special Events Guidelines/Policy and staff will work together with organizers to ensure all guidelines/policies are adhered to.

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

Parks Division
Hamilton Emergency Services

CITY STRATEGIC COMMITMENT:

The events are consistent with the goals and objectives of Vision 2020 thus contributing to the quality of life of the citizens of new city of Hamilton.

CITY OF HAMILTON

**FINANCE & CORPORATE SERVICES
FINANCIAL SERVICES**

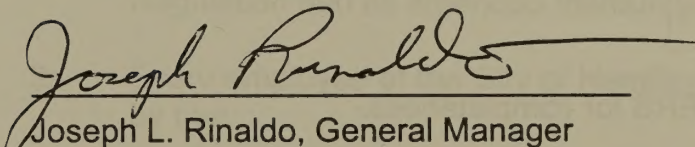
4.16

Report to: Mayor and Members Committee of the Whole	Submitted by: Joseph L. Rinaldo, General Manager
Date: November 4, 2002	Prepared by: Barbara Howe 905-540-5599

SUBJECT: Amalgamation of the Hamilton Housing Corporation Employees into the City of Hamilton Group Number for OMERS FCS02132 (City Wide)

RECOMMENDATION:

- a) That the amendment to By-Law 02-026, Amalgamation of Participating Employer, effective January 1, 2002, as set out in Appendix 'A' to Report FCS02132 be passed and enacted.
- b) That the Treasurer be authorized to file a certified copy of the resolution and By-law with the President of the OMERS Board.


Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

An amendment to the existing OMERS by-law is required to recognize the City of Hamilton as the OMERS employer for former employees of the Hamilton Housing Corporation.

BACKGROUND:

The Social Housing Reform Act, 2000 transferred the responsibility of social housing units to the municipalities. As a result all former employees of the Hamilton Housing Corporation were transferred to the City of Hamilton effective January 1, 2002. Prior to this, the Hamilton Housing Corporation maintained data and reported information to OMERS for its employees as a separate group.

ANALYSIS OF ALTERNATIVES:

None

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

To recognize the City of Hamilton as the new OMERS employer and to merge the old employer pension group into a single group, OMERS requires approval of the amending by-law, as per Appendix 'A'. This by-law authorizes the participation of the former Hamilton Housing employees (OMERS group 249049) in the City of Hamilton's OMERS group (249100).

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The attached by-law was reviewed by OMERS for completeness.

CITY STRATEGIC COMMITMENT:

Authority:

BILL NO.

CITY OF HAMILTON

BY-LAW NO.

**Amalgamation of Participating Employer
To the City of Hamilton**

A By-law to amend By-Law Number 02-026 to authorize participation in the Ontario Municipal Employees Retirement System (OMERS).

WHEREAS it is deemed expedient to amend By-Law Number 02-026 with respect to the amalgamation with the City of Hamilton in OMERS.

NOW THEREFORE the Council of the City of Hamilton (the Employer) enacts as follows:

1. That the City Of Hamilton hereby elects agrees to accept the employees of the **Hamilton Housing Corporation** into their OMERS Group and elects to participate as a single employer under the OMERS Act, R.S.O. 1990, Chapter 0.29 and Regulation 890 as amended thereunder.
2. Every employee of the City of Hamilton who, on December 31, 2001 was employed by the:

Hamilton Housing Corporation (Group No. 249049)

and who was or was entitled to become a member of OMERS on January 1, 2002 shall continue such membership or membership entitlement from January 1, 2002 while employed by the City of Hamilton.

3. Every person who becomes an employee of the City of Hamilton on or after the effective date, if such person is employed on a continuous full-time basis, shall as a condition of employment become a member of OMERS, or if such person is already a member, resume contributions to OMERS on the date so employed.

4. The General Manager of Finance and Corporate Services of the City of Hamilton is hereby authorized to deduct from the contributory earnings of each employee who is a member of OMERS, the contributions required to be made by the member, and to remit such contributions together with the amounts required under the *OMERS Act* to be paid by the City of Hamilton to the OMERS Fund.
5. The General Manager of Finance and Corporate Services is hereby authorized to execute all necessary documents and to do all such things as are necessary to carry out the intent of this By-law, in accordance with Section 6 of the OMERS Regulation.

This By-law shall come into force and take effect as of January 1, 2002.

PASSED and ENACTED this XXX day of XXXXXXXXXXXX, 2002 A.D.

MAYOR

CITY CLERK

CITY OF HAMILTON

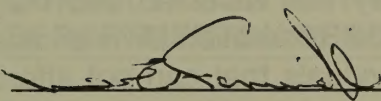
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COMMUNITY SERVICES DEPARTMENT
Culture and Recreation Division

Report to: Mayor and Members Committee of the Whole	Submitted by: William E. Fenwick, Acting General Manager
Date: November 11, 2002	Prepared by: John Kirkpatrick 540-5348

SUBJECT: Aquafit User Fees (CS02001b) (City Wide)**RECOMMENDATION:**

- (a) That **Appendix A** respecting the Adult Aquafit User Fees be approved;
- (b) That **Appendix B** respecting the Senior Aquafit User be approved.



William Fenwick, Acting General Manager
Community Services Department

EXECUTIVE SUMMARY:

Since amalgamation, rates for public swims, instructional programs and advanced aquatics have been harmonized. Currently aquafit is the only instructional program not harmonized, resulting in a different aquafit fee being charged at some pools. Adoption of the proposed fee schedule will ensure fees are consistent for the same program and promote the benefits of universal access to all city wide pools.

BACKGROUND:

Fees for aquafit classes in four of the six municipalities ranged from \$70 to \$270 per person, as noted in **Appendix C**. The former City of Hamilton offers aquafit programs as an added value feature of the participation pass, such as, if a senior purchases an annual participation pass for \$30, they can attend open swims and aquafit classes. Aquafit classes are instructed by provincially certified staff according to national industry standards.

At the March 5, 2002 Committee of the Whole, staff presented a report related to proposed fees for: senior participation passes, membership fees for Senior Clubs and Centres and aquafit program. The rates were approved with the exception of aquafit fees. Staff was directed to obtain feedback from seniors concerning the proposed fees as outlined in Appendix A. To this end, staff conducted a survey with seniors that attend the aquafit program.

Staff met with program participants of each aquafit class to discuss the survey related to the program and proposed fee schedule. The survey questions consisted of: program location, determining frequency of attending classes per week, identifying if proposed fee would impact their ability to attend, requirement for financial assistance and general comments.

There were 347 surveys returned. This represents approximately 90% of daytime aquafit participants. Of the 347 surveys completed, 174 people indicated that a fee increase would impact their ability to attend aquafit class and 162 replied that it would not affect their ability to attend. It should be noted that 24 people who responded that it would impact their ability to attend, were supporting a decrease to the current fee at the facility they currently attended.

While the survey clearly demonstrated that the majority of people currently paying the lower rate do not want an increase, similarly those paying a higher rate support a reduction.

As staff has indicated, any increase in fees are not generally well received and may result in lower attendance. Notwithstanding this, the Culture and Recreation Division has a Subsidy Program, that provides financial assistance to individuals that can not afford program fees.

Staff also wish to acknowledge that price is only one variable that people consider in purchasing services. Current research indicates that transportation, geographical proximity, time of day, flexibility, participant interest, service quality, and perceived value are primary drives to participating in culture and recreation services.

ANALYSIS OF ALTERNATIVES:

Staff are requesting Council to approve one of the following recommendations:

- (a) That Appendix A respecting the Adult Aquafit User Fees be approved;
- (b) That Appendix B respecting the Senior Aquafit User be approved.

It is staffs recommendation that Appendix A and B be approved recognizing the financial pressure facing Council. Also the purposed fees represents excellent value for this instructional program and will assist in starting to recover direct costs associated with offering this instructional program.

That in absence of a rate schedule being approved, for either adults or seniors, that the current participation pass for adults and/or seniors be accepted at all aquatic facilities for admission to aquafit classes.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Staff has no way to predict the impact of the proposed fee structure. The harmonization of fees results in both surplus revenue from fee increases, offset by lost revenue from those centres charging a higher rate and the possibility of decrease in attendance.

If Council approves the recommendation to allow use of a senior participation pass for aquafit, there would be a loss of revenue of approximately \$29,000.00. Recognizing the sensitivity involved in implementing a new fee structure, remaining at \$30.00 for a senior annual pass, will require the general public to continue to subsidize a program that is already significantly subsidized.

POLICIES AFFECTING PROPOSAL:

Community Access to Recreation for Everyone Policy. Approved June 24, 2001

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

Participation in Recreation activities meets the City's strategic commitment by improving individuals personal health status. This is further supported by the Benefits of Recreation document produced by Canadian Parks and Recreation Association that states "Recreation and active living prolongs independent living for seniors by compressing the disease and impairment period typically associated with aging and keeping seniors vital and involved in community life".

APPENDIX A

Proposed ADULT Aquafit User Fees

Single Admission Rate	\$ 3.00
25 Clip Cards	\$ 60.00
Monthly Rate	\$ 15.00
Yearly Rate	\$ 140.00

APPENDIX B

Proposed SENIOR Aquafit User Fees

Daily Admission	\$ 1.00
25 Clip Cards	\$ 21.00
Monthly Rate	\$ 5.00
Yearly Rate	\$ 55.00

APPENDIX C

Former City of Hamilton				Recommended Rates			
	One Time Class	Clip Card	1 Year Pass	One Time Class	Clip Card	Monthly Pass	1 Year Pass
Adult	2.75	N/a	61.00	3.00	60.00 for 25	15.00	140.00
Senior	1.75	N/a	25.00	1.00	21.00 for 25	5.00	55.00

Former City of Stoney Creek				Recommended Rates			
	One Time Class	Clip Card	1 Year Pass	One Time Class	Clip Card	Monthly Pass	1 Year Pass
Adult	3.85	33.10 for 10 66.15 for 20	315.00	3.00	60.00 for 25	15.00	140.00
Senior	29.0	24.85 for 10 49.60 for 20	236.25	1.00	21.00 for 25	5.00	55.00

Former Town of Ancaster				Recommended Rates			
	One Time Class	Clip Card	1 Year Pass	One Time Class	Clip Card	Monthly Pass	1 Year Pass
Adult	4.00	36.00 for 10	N/a	3.00	60.00 for 25	15.00	140.00
Senior	4.00	36.00 for 10	N/a	1.00	21.00 for 25	5.00	55.00

Former Town of Dundas					Recommended Rates		
	One Time Class	Clip Card	1 Year Pass	One Time Class	Clip Card	Monthly Pass	1 Year Pass
Adult	2.55	40.00 for 20 68.00 for 40 87.00 for 60 100.00 for 80 107.00 for 100		3.00	60.00 for 25	15.00	140.00
Senior	1.80	29.00 for 20 50.00 for 40 65.00 for 60 86.00 for 80 107.00 for 100		1.00	21.00 for 25	5.00	55.00

Township of Glanbrook: n/a

Town of Flamborough: n/a

CITY OF HAMILTON

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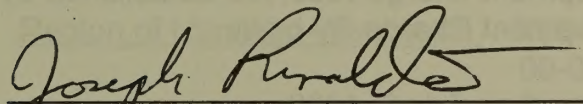
FINANCE AND CORPORATE SERVICES DEPARTMENT
Capital Budgets and Development

Report to:	Mayor and Members Committee of the Whole	Submitted by:	Joseph L. Rinaldo, General Manager
Date:	October 29, 2002	Prepared by:	Tony Del Monaco (905) 546-2790 Joe Spiler (905) 546-4519 Roberto Rossini (905) 546-4523

SUBJECT: City of Hamilton Development Charge Reserves Status Report
as at December 31, 2001 - (FCS02073) - (City Wide)

RECOMMENDATION:

That report FCS02073, "City of Hamilton Development Charge Reserves Status Report as at December 31, 2001", be received for information.



Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

This report summarizes the changes in the former regional and former area municipal development charge reserve funds for the year 2001. As a consolidated whole, the reserve balance stands at \$29.9 million. Collections increased by 3% with \$18 million transferred to growth-related capital projects (\$6.3 million for 2001 approved projects, \$11.8 million for pre-2001 approved projects). This resulted in an overall \$5.6 million decline in reserve balances from the previous year. The following table provides a summary of development charge activity, broken down by former area municipalities and former region, with consolidated totals.

SUBJECT: City of Hamilton Development Charge Reserves Status Report as at December 31, 2001 - (FCS02073) - (City Wide) - Page 2 of 8

TABLE 1

DEVELOPMENT CHARGE RESERVE FUND - CONSOLIDATED SUMMARY
STATEMENT OF CONTINUITY
PERIOD OF JAN 1, 2001 TO DEC 31, 2001

	Balance as at			2001	Transfer to		Balance as at
	01-Jan-01	Collections	Interest	Capital	Pre-2001 Approved	Other	31-Dec-01
	\$	\$	\$	\$	Capital	\$	\$
Hamilton	5,664,804.30	1,215,668.27	214,660.04	-	-	-	7,095,132.61
Ancaster	1,022,500.84	1,353,780.11	56,264.50	(204,000.00)	-	(1,279.27)	2,227,266.18
Dundas	411,632.52	99,207.84	15,918.56	(45,000.00)	(132,820.00)	-	348,938.92
Flamborough	6,059,154.41	555,141.39	210,393.95	(337,000.00)	(164,581.03)	-	6,323,108.72
Glanbrook	1,566,217.77	309,400.44	57,460.60	(85,000.00)	-	-	1,848,078.81
Stoney Creek	2,588,639.91	1,320,289.53	102,289.07	(405,000.00)	(360,000.00)	-	3,246,218.51
City and Former Municipalities Sub -Total	17,312,949.75	4,853,487.58	656,986.72	(1,076,000.00)	(657,401.03)	(1,279.27)	21,088,743.75
Region of Hamilton-Wentworth	18,065,189.46	8,532,627.50	598,388.08	(5,258,398.37)	(11,114,342.88)	(2,050,270.88)	8,773,192.91
Consolidated Total	35,378,139.21	13,386,115.08	1,255,374.80	(6,334,398.37)	(11,771,743.91)	(2,051,550.15)	29,861,936.66

BACKGROUND:

In accordance with the Development Charges Act, the Treasurer shall provide Council with an annual statement in respect of reserves established under the Regional, City, and Municipal Development Charge By-Laws.

This report details the 2001 activity in the development charge reserves established by the former Region, City and municipalities' Development Charge By-Laws:

Region of Hamilton-Wentworth – R99-074 approved on July 6, 1999
R00-015 amendment to above approved on
March 28, 2000

City of Hamilton - 99-118 approved on August 11, 1999
00-041 amendment to above approved on March 28, 2000

Town of Ancaster - A99-089 approved on August 12, 1999
A2000-062 amendment to above approved on June 5, 2000

Town of Dundas - D4504-99 approved on August 16, 1999

Town of Flamborough - F99-82-D approved on August 30, 1999

Town of Glanbrook - G577-99 approved on August 31, 1999

City of Stoney Creek - S4987-99 approved on August 11, 1999

**SUBJECT: City of Hamilton Development Charge Reserves Status Report as at
December 31, 2001 - (FCS02073) - (City Wide) - Page 3 of 8**

In accordance with Development Charge legislation, the development charge reserve funds of the former Region of Hamilton-Wentworth and the former area municipalities within the Region's boundaries, can only be used to finance growth-related capital projects within their respective boundaries. Until a consolidated Development Charges By-Law is established for the City of Hamilton (expected completion in 2003), each development charges reserve fund that existed prior to amalgamation will be recorded and tracked separately.

In March 1999, Clayton Research Associates Ltd., in its document entitled, "The Hamilton-Wentworth Economy: Profile & Prospects", stated that:

"Hamilton Wentworth's relative performance will depend on the extent to which it can capitalize on its competitive advantages and reduce its disadvantages."

Clayton Research noted that in order to make the City of Hamilton a more attractive place in which to do business, there is a need to reduce business costs that are under the City's control. Development Charges are one of those differentiating factors.

Hamilton is not unlike many other municipalities in Ontario in the way it applies its development charges to promote development. The varied exemption and credit policies evidenced throughout Ontario demonstrate the method by which municipalities are gaining a competitive advantage over their neighbours. The following summarizes the existing exemptions within each development charge by-law in the New City of Hamilton.

Region of Hamilton-Wentworth – R99-074 approved on July 6, 1999
00-015 amendment to above on March 28, 2000

The by-law provides for the following exemptions:

- Non-residential industrial development
- Commercial development in excess of the initial 150,000 square feet of gross floor area
- Places of Worship
- Development undertaken by a Board under the Education Act
- Development undertaken by the Region of Hamilton-Wentworth or a local board thereof
- Non-residential development on agricultural land other than retail, commercial, or institutional development
- Downtown Residential – the area bounded by Queen Street to the west, Victoria Street to the east, Hamilton Harbour to the north, and the escarpment to the south
- Downtown Non-Residential – the area bounded by Queen Street to the west, Victoria Street to the east, Cannon Street to the north, Hunter Street to the south, and properties fronting onto James Street north to Liuna Station and south to Charlton Avenue
- Non-profit housing development which is undertaken by a non-profit housing corporation

**SUBJECT: City of Hamilton Development Charge Reserves Status Report as at
December 31, 2001 - (FCS02073) - (City Wide) - Page 4 of 8**

Former City of Hamilton – 99-118 approved on August 11, 1999

00-041 amendment to above approved on March 28, 2000

The by-law provides for the following exemptions:

- Non-residential industrial development
- Places of Worship
- Development undertaken by a Board under the Education Act
- Development undertaken by the Region of Hamilton-Wentworth or a local board thereof
- Non-residential development on agricultural land other than retail, commercial, or institutional development
- Downtown Residential – the area bounded by Queen Street to the west, Victoria Street to the east, Hamilton Harbour to the north, and the escarpment to the south
- Downtown Non-Residential – the area bounded by Queen Street to the west, Victoria Street to the east, Cannon Street to the north, Hunter Street to the south, and properties fronting onto James Street north to Liuna Station and south to Charlton Avenue
- Non-profit housing development which is undertaken by a non-profit housing corporation

Former Town of Ancaster – A99-089 approved on August 12, 1999

A2000- 062 amendment to above on June 5, 2000

The by-law provides for the following exemptions:

- Non-residential industrial development
- Places of Worship
- Development undertaken by a Board under the Education Act
- Development undertaken by the Region of Hamilton-Wentworth or a local board thereof
- Non-residential development on agricultural land other than retail, commercial, or institutional development

Former Town of Dundas – D4504-99 approved on August 16, 1999

The by-law provides for the following exemptions:

- Industrial development
- Commercial development
- Development undertaken by a Board under the Education Act
- Development undertaken by the Region of Hamilton-Wentworth or a local board thereof
- Non-residential development on agricultural land other than retail, commercial, or institutional development

**SUBJECT: City of Hamilton Development Charge Reserves Status Report as at
December 31, 2001 - (FCS02073) - (City Wide) - Page 5 of 8**

Former Town of Flamborough – F99-82-D, Approved on August 30, 1999

The by-law provides for the following exemptions:

- Industrial development
- Places of Worship
- Development undertaken by a Board under the Education Act
- Development undertaken by the Region of Hamilton-Wentworth or a local board thereof
- Non-residential development in the Waterdown Business Improvement Area and a portion of the Borer's Creek Rating Area.
- Non-residential development on agricultural land other than retail, commercial, or institutional development

Former Town of Glanbrook - G577-99, approved August 24, 1999

The by-law provides for the following exemptions:

- Places of Worship
- Development undertaken by a Board under the Education Act
- Development undertaken by the Region of Hamilton-Wentworth or a local board thereof
- Non-residential development on agricultural land other than retail, commercial, or institutional development

Former City of Stoney Creek – S4987-99 approved on August 31, 1999.

The by-law provides for the following exemptions:

- Industrial development
- Places of Worship
- Development undertaken by a Board under the Education Act
- Development undertaken by the Region of Hamilton-Wentworth or a local board thereof
- Downtown core exemption
- Non-residential development on agricultural land other than retail, commercial, or institutional development

The issues regarding these policies, is the resulting impact on taxes since the cost of exemptions in 2001 (\$8.4 million), must be borne by the property tax levy when the development related projects are constructed. It should be noted however, that some of this development is occurring in areas where hard services already exist (i.e. redevelopment). Accordingly, the growth-related cost impacts are lower in these cases.

The following details the activity in the respective regional and former municipal development charge reserves.

Former Region of Hamilton-Wentworth

Schedules (attached)

- 1 – Former Region Development Charge Reserve Fund Statement
- 2 – 2001 Capital Financing From Reserves
- 3 – Development Charge Exemptions 2001

The net position of the Region's development charge reserves as at December 31, 2001 is \$8.8 million. This is a \$9.2 million decrease over the year due to significant transfers to capital projects. Of note, \$8.2 million was transferred from the Roads reserve to finance various projects, the largest of which was \$4.4 million going to the Expressway Capital Holding Account. Also noteworthy was the \$4.5 million and \$1.8 million transferred from the Sanitary Sewer and Waterworks reserves respectively to finance various projects.

Regional collections throughout the year totalled \$8.5 million. This is a 5% increase over 2000 collections. Exemptions totalled \$6.8 million, over \$4 million of which is industrial development and \$1.8 million in exempted downtown development charges.

Former City of Hamilton

Schedule (attached)

- 4 – Former City of Hamilton Development Charge Reserve Fund Statement

The former City of Hamilton's net development charge position stood at \$7.1 million at the close of 2001. That represents a \$1.44 million or 25% increase during the year. The increase is attributed to steady collections of \$1.2 million coupled with the fact that no transfers to capital projects were made in the year, allowing over \$214,000 in interest to accumulate. Exemptions totalled \$402,000 for 2001.

Former Town of Ancaster

Schedules (attached)

- 5 – Former Town of Ancaster Development Charge Reserve Fund Statement
- 5A – 2001 Capital Financing From Reserves

Ancaster's development charge net position of \$2.2 million represents a 54% increase over 2000's ending balance of just over \$1 million. This is due in large part to a 22% increase in collections during the year (\$1.35 million). As for transfers to capital, \$204,000 was transferred from the Public Works reserve to finance the 2001 Vehicle Replacement Program. Exemptions amounted to \$105,000.

Former Town of Dundas

Schedules (attached)

- 6 – Former Town of Dundas Development Charge Reserve Fund Statement
- 6A – 2001 Capital Financing From Reserves

**SUBJECT: City of Hamilton Development Charge Reserves Status Report as at
December 31, 2001 - (FCS02073) - (City Wide) - Page 7 of 8**

The net position of Dundas' development charge reserve funds is \$349,000, a \$63,000 drop from last year. This is due in part to reduced collections of \$99,000, an 18% decrease from 2000. Capital transfers amounted to \$177,820 with the bulk going to the Dundas Community Centre (\$132,820). No local area development charges were exempted in 2001.

Former Town of Flamborough

Schedules (attached)

7 – Former Town of Flamborough Development Charge Reserve Fund Statement

7A – 2001 Capital Financing From Reserves

Flamborough's 2001 development charge reserve balance stands at \$6.32 million, an increase of 4% from 2000's balance of just over \$6 million. Collections, shown net of refunds, were 48% lower than in 2000. The drop in revenue is due to appeal refunds. Transfers to capital in 2001 totalled just over \$500,000 of which \$247,000 was transferred to fund Sidewalk projects, \$90,000 for Park development, and \$164,000 for new Fire vehicles. Exemptions were \$710,000 in 2001.

Former Town of Glanbrook

Schedules (attached)

8 – Former Town of Glanbrook Development Charge Reserve Fund Statement

8A – 2001 Capital Financing From Reserves

Glanbrook's development charge balance as at December 31, 2001, stood at \$1.85 million, a \$284,000 or 18% increase. Collections increased by 75% to \$309,000 in 2001, due in part to increased development in Binbrook. As well, \$85,000 was transferred to fund the Kopperfield Playground project. No local charges were exempted in 2001.

Former City of Stoney Creek

Schedules (attached)

9 – Former City of Stoney Creek Development Charge Reserve Fund Statement

9A – 2001 Capital Financing From Reserves

The total 2001 year-end balances in the Stoney Creek development charge reserve funds was \$3.25 million, up 25% from \$2.59 million the previous year. Although over \$750,000 was transferred to capital projects, the \$1.32 million in collections throughout the year enabled the reserve to end higher than in 2000. This represents a 13% increase in collections. Of the transfers to capital, the bulk (\$460,000) came from the Recreation Facilities reserve. The exemptions totalled \$428,000.

Summary of Net Changes

Schedule (attached)

10 – Development Charges Reserve Fund – Consolidated Summary

The total consolidated balance of the City of Hamilton's development charge reserve funds at December 31, 2001 is \$29.9 million. This is a \$5.6 million drop from 2000's year-end balance. The decrease is not due to a lower level of collections, as collections actually increased slightly by 3% to total \$13.4 million net of refunds. The decline is attributable to \$18 million in transfers to growth-related capital projects (\$6.3 million for 2001 approved capital, \$11.8 million for pre-2001 approved capital). That nearly doubles last year's transfers. The majority were funded from the former Region reserves for Water, Sewer and Roadway projects. Development Charge exemptions amounted to \$8.5 million, the bulk of which is due to the region-wide industrial development charge exemption in place to attract non-residential development.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

N/A

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

N/A

CITY STRATEGIC COMMITMENT:

Development charges are in place to recover growth-related capital costs, a principle that is in line with the following strategic commitments:

- Investment in Infrastructure
- VISION 2020 – A Sustainable City
- Investing in Safe Water for Today and Tomorrow
- Providing Quality Community Services

SCHEDULE 1 to FCS02073

REGION OF HAMILTON-WENTWORTH DEVELOPMENT CHARGE RESERVE FUND STATEMENT OF CONTINUITY AS AT DECEMBER 31, 2001						
	Balance as at 01-Jan-01	Collections	Interest	2001 Capital	Transfers to Pre-2001 Approved Capital	External Debt
Waterworks Res	3,060,726.86	2,137,315.26	125,704.34	(148,000.00)	(1,596,398.33)	(117,700.00)
Waterworks Non-Res	298,414.25	331,187.50	11,732.31	(4,527.98)	(103,829.30)	-
Sanitary Sewer Res	5,030,625.15	433,712.79	176,381.23	(1,858,000.00)	(2,659,909.58)	-
Sanitary Sewer Non-Res	40,167.24	120,917.45	3,182.25	(13.39)	(7,550.60)	-
Storm Sewer Res	(871,636.39)	324,766.14	(26,304.96)	-	-	(496,500.00)
Storm Sewer Non-Res	242,133.74	46,207.98	8,406.49	-	-	(17,400.00)
Roads Res	6,293,385.94	2,753,835.02	160,412.20	(2,373,000.00)	(5,506,779.60)	(1,024,300.00)
Roads Non-Res	(156,516.71)	319,734.42	(22,013.85)	(180,000.00)	(1,233,720.00)	-
Health Res	710,329.33	(1,498.58)	24,203.22	-	-	(41,874.63)
Police Res	427,354.43	476,456.85	19,530.45	-	-	(200,000.00)
Police Non-Res	(349,226.67)	43,184.78	(11,824.80)	-	-	(92,800.00)
Fleet Services Res	206,247.80	(499.53)	7,161.35	-	-	-
Fleet Services Non-Res	33,044.03	-	1,211.67	-	-	-
Transit Res	701,899.53	365,595.17	28,006.72	-	-	-
Growth Mgmt Res	144,764.13	64,246.25	5,676.06	-	(4,608.83)	-
Growth Mgmt Non-Res	38,505.80	9,602.40	1,392.92	-	(1,546.64)	-
Admin Building Res	436,532.22	-	14,911.32	-	-	(47,757.00)
Admin Building Non-Res	65,894.26	-	2,253.19	-	-	(11,939.25)
Solid Waste Res	705,103.36	(1,071.87)	24,361.44	-	-	-
Solid Waste Non-Res	161,686.51	-	5,679.89	-	-	-
Libraries Res	251,777.20	142,547.49	10,214.94	-	-	-
Libraries Non-Res	13,577.27	-	527.12	-	-	-
Health Non-Res	161,172.01	-	5,662.29	-	-	-
Transit Non-Res	159,171.95	47,985.98	5,641.62	-	-	-
Dun/Wtd WW Flow Diver. Res	260,056.22	159,597.00	10,315.24	-	-	-
Binbrook Agreement Recoveries	-	758,805.00	5,963.43	(694,857.00)	-	-
Total Development Charges	18,065,189.46	8,532,627.50	598,388.08	(5,258,398.37)	(11,114,342.88)	(2,050,270.88)
Total Residential	17,097,109.56	6,695,404.99	570,258.31	(5,073,857.00)		(1,928,131.63)
Total Non-Residential	708,023.68	918,820.51	11,851.10	(184,541.37)		(122,139.25)
						(14,631.87)
						8,773,192.91

Waterworks Res	3,461,648.13
Waterworks Non-Res	532,976.78
Sanitary Sewer Res	1,122,809.59
Sanitary Sewer Non-Res	156,702.95
Storm Sewer Res	(1,069,675.21)
Storm Sewer Non-Res	279,348.21
Roads Res	303,553.56
Roads Non-Res	(1,272,516.14)
Health Res	691,159.34
Police Res	723,341.73
Police Non-Res	(410,666.69)
Fleet Services Res	212,909.62
Fleet Services Non-Res	34,255.70
Transit Res	1,095,501.42
Growth Mgmt Res	210,077.61
Growth Mgmt Non-Res	47,954.48
Admin Building Res	403,686.54
Admin Building Non-Res	56,208.20
Solid Waste Res	728,392.93
Solid Waste Non-Res	167,366.40
Libraries Res	404,539.63
Libraries Non-Res	14,104.39
Health Non-Res	166,834.30
Transit Non-Res	212,799.55
Dun/Wtd WW Flow Diver. Res	429,968.46
Binbrook Agreement Recoveries	69,911.43

**REGION OF HAMILTON-WENTWORTH
2001 CAPITAL FINANCING FROM DEVELOPMENT CHARGE RESERVES**

Capital			Residential			Non-Residential		
Project No.	Project Name	Service	Residential Account	2001	Pre-Approved \$	Non-Residential Account	2001	Pre-Approved \$
5149880939	Olympic - King to N-Leg Hopkins	Waterworks	49416		229,127.04	49420		5,700.38
5140063027	Parkside-Hwy 6-wo Hollybush	Waterworks	49416		130,598.02	49420		98,128.92
5149980979	PS N Sydenham Neighbourhood	Waterworks	49416		765,855.77			
5140064026	Turnbridge - PS WH6-B	Waterworks	49416		332,357.37			
5140164127	U Gage-60m so Anna Capri-Rymal H	Waterworks	49416	148,000.00		49420	4,527.98	
5140078015	Meadowlands Ph 5	Waterworks	49416		56,000.00			
5149778715	Dalma Gardens - Stoney Creek	Waterworks	49416		29,000.00			
5149880961	Highland PS W-H7 to Second Rd	Waterworks	49416		53,460.13			
5160180121	Riley #5 - to 340m N & Easement	Sanitary Sewers	49416	183,000.00		49420	13.39	3,389.78
5169725764	Seabreeze - Glover Acc-McNielly	Sanitary Sewers	49416		1,847.29	49420		4,160.82
5169980983	Ps-S-H28 Hwy 53 - Hamilton Dr	Sanitary Sewers	49416		226,169.20	49420		
5160178124	Southbrook on the Green Ph 1	Sanitary Sewers	49416	44,000.00				
5169980982	Pumping Station S-H24 McCollu	Sanitary Sewers	49416		232,626.59			
5160068077	Annual Overflow Alarms SW	Sanitary Sewers	49416		46,000.00			
5160080083	Hiawatha to Bluebell Upgrade	Sanitary Sewers	49416		251,000.00			
5160180120	1st-73m NW Niska-5 PS S-D14	Sanitary Sewers	49416	168,000.00				
5160180124	DUN-FLA WWTP Cap Expansion	Sanitary Sewers	49416	1,463,000.00				
5169880833	Ma-West 5th - 40m N of Rymal	Sanitary Sewers	49416		730,114.31			
5169962984	Arbour, Mud, Pritchard	Sanitary Sewers	49416		997,152.19			
5169980965	Shaver Road, Ancaster	Sanitary Sewers	49416		175,000.00			
4030011047	Rymal - Springside to U Gage	Roads & Freeway	49416		15,000.00			
4039112120	S Mountain Arterial Construction	Roads & Freeway	49416		1,787,000.00			
4039812830	Hwy 8 - Hillcrest to Park	Roads & Freeway	49416		37,000.00			
4039812834	S Mountain Arterial Transportation	Roads & Freeway	49416		33,792.75			
4039814800	Traffic Operations	Roads & Freeway	49416		6,000.00			
4039912911	Annual Pre-Servicing (99)	Roads & Freeway	49416		1,674.38			
4039912925	Hwy 8 - Dewitt to Fruitland	Roads & Freeway	49416		14,000.00			
4039914903	Annual New Traffic Signal Instal (99)	Roads & Freeway	49416	270,000.00	116,032.47	49420	180,000.00	
4030113223	Annual Dev Road Urbanization	Roads & Freeway	49416		161,000.00	49420		24,000.00
4030014008	Annual New Traffic Signal Instal (00)	Roads & Freeway	49416		60,000.00	49420		9,000.00
4030012011	Annual Pre-Servicing (00)	Roads & Freeway	49416		37,000.00	49420		3,000.00
4039912994	Contribution to Storm Sewers	Roads & Freeway	49416					
4030112139	S Mountain Arterial U Gage	Roads & Freeway	49416	1,294,000.00				
4030112138	S Mountain Arterial U Paradise	Roads & Freeway	49416	809,000.00				
4060087004	Freeway Capital Holding Acct	Roads & Freeway	49416		3,238,280.00	49420		1,197,720.00
3459255000	Development Charges Study	Growth Management	49416		4,608.83	49420		1,546.64
5160180130	Binbrook Agreement Recoveries	Binbrook Agreement	49412	694,857.00				
				5,073,857.00	9,767,696.34		184,541.37	1,346,646.54

SCHEDULE 3 to FCS02073

REGIONAL AND LOCAL DEVELOPMENT CHARGE EXEMPTIONS 2001

By Area	Regional \$	Local \$	Total DC Exemptions \$
Hamilton	4,142,000	402,000	4,544,000
Ancaster	170,000	105,000	275,000
Dundas	0	0	0
Flamborough	627,000	710,000	1,337,000
Glanbrook	339,000	0	339,000
Stoney Creek	1,553,000	428,000	1,981,000
Total Exemptions	6,831,000	1,645,000	8,476,000

By Type	Regional \$	Local \$	Total DC Exemptions \$
Industrial	4,039,000	1,273,000	5,312,000
Downtown	1,778,000	142,000	1,920,000
Schools	504,000	74,000	578,000
Non-Profit	333,000	28,000	361,000
Farm Buildings	132,000	124,000	256,000
City-Owned	41,000	3,500	44,500
Places of Worship	4,000	500	4,500
Total Exemptions	6,831,000	1,645,000	8,476,000

**Note: \$ values estimated based on # of units and square footage

SCHEDULE 4 to FCS02073

DEVELOPMENT CHARGE RESERVE FUND - HAMILTON
STATEMENT OF CONTINUITY
PERIOD OF JAN 1, 2001 TO DEC 31, 2001

	Balance as at 01-Jan-01 \$	Collections \$	Interest \$	2001 Capital Fund \$	Transfer to Pre-2001 Approved Capital Fund \$	External Debt \$	Balance as at 31-Dec-01 \$
102050 Indoor Recreation	1,891,777.00	302,104.05	71,686.32				2,265,567.37
102051 Outdoor Recreation	319,909.00	293,412.66	12,122.52				625,444.18
102052 Library Materials & Building	1,757,152.00	222,564.94	66,584.88				2,046,301.82
102054 Traffic Signals	(35,244.00)	13,855.05	(1,335.52)				(22,724.47)
102058 Parkland Acquisition	534,757.00	-	20,263.89				555,020.89
102053 Rolling Stock	272,310.00	48,926.14	10,318.82				331,554.96
102055 Growth Management Studies	(301,164.00)	141,770.08	(11,412.20)				(170,806.12)
102057 Roads & Streetlighting	775,614.00	190,561.31	29,390.84				995,566.15
102059 Storm Water Retention	(61,491.70)	-	(2,330.17)				(63,821.87)
102056 Fire Protection	511,185.00	2,474.04	19,370.66				533,029.70
Totals	5,664,804.30	1,215,668.27	214,660.04	-	-	-	7,095,132.61

Note: The ending 2000 ending balance of the Growth Management reserve was overstated by \$257,000 due to the omission of a \$257,000 transfer to capital (Ferguson Ave. Bike Lane)

2000 collections were re-distributed amongst the reserves to correct an error in the distribution of collections for the Roads and Streetlighting Special Area Charge reserve.

SCHEDULE 5 to FCS02073

DEVELOPMENT CHARGE RESERVE FUND - ANCASTER
STATEMENT OF CONTINUITY
PERIOD OF JAN 1, 2001 TO DEC 31, 2001

	Balance as at			Interest	2001 Capital	Transfer to Pre-2001 Approved Capital	Balance as at	
	01-Jan-01	Collections					Current	31-Dec-01
	\$	\$	\$	\$	\$	\$	\$	\$
113040 Fire Protection	370,418.29	178,159.22	7,043.70					555,621.21
113041 Road and Related	(815,705.18)	360,424.76	(13,816.30)					(469,096.72)
113042 Parks	1,106,949.82	78,479.94	3,436.78					1,188,866.54
113043 Library	195,196.20	69,702.75	3,045.46					267,944.41
113044 Administration	96,225.95	27,238.56	1,071.87				(1,279.27)	123,257.11
113045 Storm Water	120,780.13	67,392.02	2,637.13					190,809.28
113046 Indoor Recreation	(417,318.28)	506,565.86	22,134.90					111,382.48
113047 Public Works	365,953.91	65,817.00	30,710.96		(204,000.00)			258,481.87
Totals	1,022,500.84	1,353,780.11	56,264.50		(204,000.00)	-	(1,279.27)	2,227,266.18

SCHEDULE 5A to FCS02073

Development Charge Reserve Funds - former Town of Ancaster					
2001 Capital Financing					
Capital Project #	Capital Project Name	Reserve Fund #	Reserve Fund Name	2001 Capital \$	Pre-2001 Approved Capital \$
4940151001	2001 Vehicle Replacement Program	113047	Public Works	204,000	0

SCHEDULE 6 to FCS02073

DEVELOPMENT CHARGE RESERVE FUND - DUNDAS

STATEMENT OF CONTINUITY

PERIOD OF JAN 1, 2001 TO DEC 31, 2001

	Balance as at 01-Jan-01 \$	Collections \$	Interest \$	2001 Capital \$	Transfer to Pre-2001 Approved Capital \$	Current \$	Balance as at 31-Dec-01 \$
114001 Administration	72,240.52	735.94	(1,817.49)				71,158.97
114002 Fire Protection	27,500.00	13,541.24	569.27				41,610.51
114003 Parks	-	15,265.42	1,562.84	(25,000.00)			(8,171.74)
114004 Library	84,423.00	8,907.43	2,242.06				95,572.49
114005 Transportation Services	227,469.00	31,659.90	10,382.91	(20,000.00)			249,511.81
114012 Indoor Recreation	-	29,097.91	2,978.97		(132,820.00)		(100,743.12)
Totals	411,632.52	99,207.84	15,918.56	(45,000.00)	(132,820.00)	-	348,938.92

SCHEDULE 6A to FCS02073

Development Charge Reserve Funds - former Town of Dundas 2001 Capital Financing

Capital Project #	Capital Project Name	Reserve Fund #	Reserve Fund Name	2001 Capital \$	Pre-2001 Approved Capital \$
7150054001	Dundas Community Centre	114012	Indoor Rec		132,820
4030114161	Bikeway Paths - Olympic Dr.	114005	Transportation	20,000	
4400149111	Parks Irrigation System	114003	Parks	25,000	
Total (equals Development Charge Summary)				45,000	132,820

SCHEDULE 7 to FCS02073

DEVELOPMENT CHARGE RESERVE FUND - FLAMBOROUGH

STATEMENT OF CONTINUITY

PERIOD OF JAN 1, 2001 TO DEC 31, 2001

	Balance as at 01-Jan-01 \$	Collections \$	Interest \$	2001 Capital \$	Transfer to Pre-2001 Approved Capital \$	Current \$	Balance as at 31-Dec-01 \$
115340 General Government	388,349.40	23,035.88	13,484.77				424,870.05
115341 Library	350,125.38	23,270.48	12,157.52				385,553.38
115342 Fire	681,757.74	81,623.71	23,672.89		(164,581.03)		622,473.31
115343 Indoor Recreation	894,224.78	202,958.54	31,050.45				1,128,233.77
115344 Park Development & Facilities	578,429.62	168,010.23	20,085.00	(90,000.00)			676,524.85
115345 Public Works	623,761.49	35,054.04	21,659.07				680,474.60
115346 Town-Wide Engineered Services	2,542,506.00	21,188.51	88,284.25	(247,000.00)			2,404,978.76
Totals	6,059,154.41	555,141.39	210,393.95	(337,000.00)	(164,581.03)	-	6,323,108.72

SCHEDULE 7A to FCS02073

Development Charge Reserve Funds - former Town of Flamborough						
2001 Capital Financing						
Capital Project #	Capital Project Name	Reserve Fund #	Reserve Fund Name	2001 Capital \$	Pre-2001 Approved Capital \$	
7400051001	Fire Vehicle Apparatus Replacement	115342	Fire		164,581.03	
4400150112	Courtcliffe Park Development	115344	Parks	70,000.00		
4400150113	New Leisure Park	115344	Parks	20,000.00		
4030122162	Sidewalks - Parkside to Church	115346	Eng Services	93,000.00		
4030122163	Sidewalks - Centre Road	115346	Eng Services	154,000.00		
Total (equals Development Charge Summary)				337,000.00	164,581.03	

SCHEDULE 8 to FCS02073

DEVELOPMENT CHARGE RESERVE FUND - GLANBROOK

STATEMENT OF CONTINUITY

PERIOD OF JAN 1, 2001 TO DEC 31, 2001

	Balance as at 01-Jan-01 \$	Collections \$	Interest \$	2001 Capital \$	Transfers to Pre-2001 Approved Capital \$	Current \$	Balance as at 31-Dec-01 \$
116038 General Government	51,775.56	11,041.30	1,879.12				64,695.98
116039 Cemeteries	57,611.32	20,183.76	1,710.20				79,505.28
116034 Library	35,381.76	7,016.31	1,290.22				43,688.29
116035 Fire	351,290.63	110,256.06	11,263.28				472,809.97
116029 Indoor Recreation	381,757.03	73,011.82	14,171.41				468,940.26
116030 Parks-Outdoor Facilities	51,100.65		2,306.84				53,407.49
116031 Parks-Outdoor Buildings	7,166.24		323.69				7,489.93
116033 Parks-Machinery/Equipment/Furniture	22,657.20		1,023.42				23,680.62
116032 Parks Development & Facilities	86,309.17	23,834.35	2,845.68	(85,000.00)			27,989.20
116036 Township-Wide Roads	98,101.11	0.00	4,431.16				102,532.27
116037 Public Works	244,059.14	59,650.98	8,532.91				312,243.03
116040 Mt Hope Settlement Area (SAC)	20,838.07	4,405.86	516.52				25,760.45
116028 N Glanbrook Industrial Parks (SAC)	158,169.89	0.00	7,166.15				165,336.04
Totals	1,566,217.77	309,400.44	57,460.60	-85,000.00	0.00	0.00	1,848,078.81

SCHEDULE 8A to FCS02073

Development Charge Reserve Funds - former Town of Glanbrook					
2001 Capital Financing					
Capital Project #	Capital Project Name	Reserve Fund #	Reserve Fund Name	2001 Capital \$	Pre-2001 Approved Capital \$
4400150114	Kopperfield Playground	116032	Parks	85,000.00	0

SCHEDULE 9 to FCS02073

DEVELOPMENT CHARGE RESERVE FUND - STONEY CREEK

STATEMENT OF CONTINUITY

PERIOD OF JAN 1, 2001 TO DEC 31, 2001

	Balance as at		Collections	Interest	2001 Capital	Transfer to Pre-2001 Approved Capital	Balance as at	
	01-Jan-01						Current	31-Dec-01
	\$	\$	\$	\$	\$	\$	\$	\$
117026 Transportation Services	606,208.46	628,961.19	38,775.89	(165,000.00)				1,108,945.54
117028 Fire Stations	183,687.11	44,576.44	6,281.01					234,544.56
117029 Recreation Facilities	1,478,037.17	226,049.71	47,462.67	(100,000.00)	(360,000.00)			1,291,549.55
117030 Parkland Development	239,902.81	261,958.24	7,006.47	(140,000.00)				368,867.52
117031 Administration Facilities	96,162.83	133,926.31	3,288.20	-				233,377.34
117032 Libraries	(15,358.47)	24,817.64	(525.17)	-				8,934.00
Totals	2,588,639.91	1,320,289.53	102,289.07	(405,000.00)	(360,000.00)	-	-	3,246,218.51

SCHEDULE 9A to FCS02073

Development Charge Reserve Funds - former City of Stoney Creek					
2001 Capital Financing					
Capital Project #	Capital Project Name	Reserve Fund #	Reserve Fund Name	2001 Capital \$	Pre-2001 Approved Capital \$
4030112170	Mud St. - Allanbrook	117026	Transportation	100,000.00	
4030110700	Streetslights - Various Locations	117026	Transportation	40,000.00	
5180174191	Watercourse #0 and #00	117026	Transportation	25,000.00	
7090054008	Valley Park Community Ctr	117029	Indoor Recreation		360,000.00
4400156109	Battlefield Master Plan	117029	Indoor Recreation	100,000.00	
4400156104	Park Development Annual Program	117030	Parks	40,000.00	
4400156109	Battlefield Master Plan	117030	Parks	100,000.00	
Total (equals Development Charge Summary)				405,000.00	360,000.00

SCHEDULE 10 to FCS02073

DEVELOPMENT CHARGE RESERVE FUND - CONSOLIDATED SUMMARY

STATEMENT OF CONTINUITY

PERIOD OF JAN 1, 2001 TO DEC 31, 2001

	Balance as at		Collections	Interest	2001 Capital	Transfer to		Balance as at 31-Dec-01
	01-Jan-01					Pre-2001 Capital	Other	
	\$	\$	\$	\$	\$	\$	\$	\$
Hamilton	5,664,804.30	1,215,668.27	214,660.04	-	-	-	-	7,095,132.61
Ancaster	1,022,500.84	1,353,780.11	56,264.50	(204,000.00)	-	(1,279.27)	-	2,227,266.18
Dundas	411,632.52	99,207.84	15,918.56	(45,000.00)	(132,820.00)	-	-	348,938.92
Flamborough	6,059,154.41	555,141.39	210,393.95	(337,000.00)	(164,581.03)	-	-	6,323,108.72
Glanbrook	1,566,217.77	309,400.44	57,460.60	(85,000.00)	-	-	-	1,848,078.81
Stoney Creek	2,588,639.91	1,320,289.53	102,289.07	(405,000.00)	(360,000.00)	-	-	3,246,218.51
City and Former Municipalities Sub -Total	17,312,949.75	4,853,487.58	656,986.72	(1,076,000.00)	(657,401.03)	(1,279.27)		21,088,743.75
Region of Hamilton-Wentworth	18,065,189.46	8,532,627.50	598,388.08	(5,258,398.37)	(11,114,342.88)	(2,050,270.88)		8,773,192.91
Consolidated Total	35,378,139.21	13,386,115.08	1,255,374.80	(6,334,398.37)	(11,771,743.91)	(2,051,550.15)		29,861,936.66

CITY OF HAMILTON

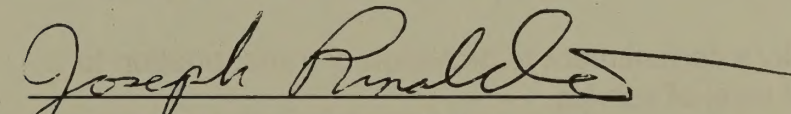
10.2

FINANCE AND CORPORATE SERVICES
Corporate Management Services

Report to: Mayor and Members Committee of the Whole	Submitted by: Joseph L. Rinaldo, General Manager
Date: November 18, 2002	Prepared by: Cathy Kenyeres 528-4200 David Trevisani x2617

SUBJECT: D.A.R.T.S. Operating Cost - Advance - FCS02134 - (City Wide)**RECOMMENDATION:**

- a) That D.A.R.T.S. be provided with a monthly advance in the amount of \$628,000 based on the approved 2002 budget commencing January 2003;
- b) That the amount of the monthly advance be adjusted based on the 2003 budget commencing July 1, 2003;
- c) That the formula for monthly advances to D.A.R.T.S. set out in recommendations a) and b) of report FCS02134 be applied to future operating years where a contract for services exists with D.A.R.T.S.



Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

Council approved a net operating budget for D.A.R.T.S. of \$7,533,000 in 2002; this is an average of about \$628,000 monthly. As the 2003 operating Budget is yet to be approved, D.A.R.T.S. will continue to operate at the approved 2002 funding level until such time as otherwise directed by Council. The procedure of advance payment is consistent with past practice under the contract between the City and D.A.R.T.S.

Approval of this recommendation will allow D.A.R.T.S. to maintain the service level associated with the current approved Budget. Once the 2003 Budget has been finalized, a retroactive adjustment of the payments will be made to reflect any approved change. As this is an ongoing operating issue, staff is requesting that this process be repeated for each year that the DARTS contract is in existence.

BACKGROUND:

This procedure of advance payment is consistent with past practice under the contract between the City and D.A.R.T.S., allowing D.A.R.T.S. to maintain operation of current service levels.

ANALYSIS OF ALTERNATIVES:

Advancing payment at less than the recommended monthly amount will have a direct impact on the service level D.A.R.T.S. is able to maintain.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no implications, as the recommendation is consistent with current practice.

POLICIES AFFECTING PROPOSAL:

The contract between the City and D.A.R.T.S. requires the advance of operating funds.

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

D.A.R.T.S. has been consulted as to this recommendation.

CITY STRATEGIC COMMITMENT:

This recommendation supports the City's commitment to provision of transportation to persons with disabilities at the current level of service.

CITY OF HAMILTON

12.1

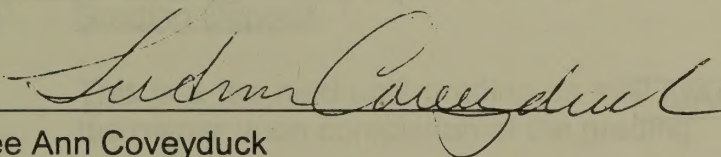
PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to: Mayor and Members Committee of the Whole	Submitted by: Lee Ann Coveyduck General Manager
Date: November 15, 2002	Prepared by: Peter C. Lampman (905) 546-4653
File:	

SUBJECT: The Fees for Services/Activities By-law, Building and Licensing Division (PD02119) (City Wide)

RECOMMENDATION:

That the By-law attached to Report PD02119, being a By-law to establish fees and charges for goods, activities and services initiated or performed by the Building and Licensing Division for the City of Hamilton, be enacted.



Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The new Fee By-law is a consolidation of various fees charged by the former municipalities for services provided by the Building and Licensing Division. Fees reflect the cost of providing the service and are based on a full cost recovery model.

BACKGROUND:

The new "Fees for Services/Activities By-law" fee structure, as outlined in Schedule "A" of the new By-law was derived through a comparative analysis of policies and fees previously found in former area municipal by-laws. Adjustments have been made where necessary to more accurately reflect municipal costs associated with performing the various functions listed, however, many of the fees remain unchanged or are very similar to those currently in effect.

Actual fees related to goods, services and activities are based on the 'Enterprise Model', as previously approved by Council, and the premise that the Building and

**SUBJECT: The Fees for Services/Activities By-law, Building and Licensing
Division (PD02119) (City Wide) – Page 2 of 4**

Licensing Division, when supplying goods or performing services on behalf of applicants and the City, should recover costs inherent in the provision of these services.

ANALYSIS OF ALTERNATIVES:

Consolidation of the fees currently used in many of the area municipalities, as well as housekeeping amendments and repeals to a plethora of existing building related municipal by-laws, will simplify the ability of staff to provide consistency in responding to public inquiries and, from a fees perspective, will level the playing field for all residents of the new City.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Implementation of “The Fees for Services/Activities By-law” will formalize the adoption of a standard set of fees to replace the various fee policies and by-laws which are currently in place in each of the former area municipalities and will provide for municipal service delivery cost recovery. Comparisons of existing and proposed fees are appended as part of this report.

Staffing – There are no staffing implications respecting this report.

Legal – See below (Consultation with Relevant Department/Agencies section) for comment.

POLICIES AFFECTING PROPOSAL:

Each of the fees listed on Schedule “A” were determined on the basis of full cost recovery. Details of the costs associated with each fee are as follows:

a) Zoning Verification and Work Order Reports

These reports require detailed file searches and also the examination of submitted surveys. Often there are outstanding orders which must be resolved prior to the issuance of the certificate. Order resolution may involve a site inspection and may also necessitate one or two meetings with property owners and legal counsel. At a fee of \$80 per certificate the service is self-funding. The 48-hour express certificate at \$120 allows for sales of properties with short closing dates. The \$40 surcharge on the express service is to offset overtime incurred by providing the service.

b) Sewage System and Severance Comments

When application is made for land severance involving property that is serviced by a private sewage system, it is the policy of the City to require an inspection of the property to ensure that the lands will support a private sewage system. A building inspector assesses the site, may take soil samples, and may require a meeting with the owner to discuss design requirements. The fee of \$200 is for

**SUBJECT: The Fees for Services/Activities By-law, Building and Licensing
Division (PD02119) (City Wide) – Page 3 of 4**

at least one site inspection, a file search of the property and adjoining properties, and check for other regulatory restrictions such as conservation lands, ESAs, or water courses.

c) Blasting Permit

The fee of \$100 is based on issuance of permit after a review of the request. Prior to issuance, a Customer Service Representative will request and review a pre-blast survey of adjoining buildings and structures. There is also a review of the blasting techniques to be utilized and the measures proposed to minimize the effect of blasting on adjoining properties. The permit may also require site inspections to ensure compliance with blasting mitigation measures.

d) Certificate of Compliance

Under the Property Standards By-law an owner may request the City to provide a certificate stating that a building is in compliance with the standards prescribed in the by-law. Certificates are required for Provincial and City licenses, when mortgages are renewed and when properties change ownership. The work requires a file search, at least two inspections, and production of a certificate. The fee of \$220 is the minimum and is increased by \$20 per resident, or \$10 per 100 sq. metres or \$30 per dwelling unit.

e) Grading Deposit

This is a fee held until grading on infill lots is completed. It is returned in full to the owner upon completion of the grading.

f) Demolition Agreement

This is an agreement entered into with an owner when there is a desire not to demolish an existing house until a new one is completed. This permits owners to live in the old house while the new one is completed. Upon completion of the new one, the owner is required to demolish the old one.

The agreements are prepared by building staff and require about 3 hours of preparation. Sites are inspected and the owner is required to submit a security deposit based on the cost of demolishing the old structure. Once signed the agreement is registered on title.

g) Rural Municipal Numbering

A separate report and by-law details the fees associated with this service.

h) Minor Variance: Sign By-law

The fee for a sign variance is the same as an application for minor variance by the Committee of Adjustment.

**SUBJECT: The Fees for Services/Activities By-law, Building and Licensing
Division (PD02119) (City Wide) – Page 4 of 4**

The fee reflects the cost of preparing a report, circularizing the report to city departments and other agencies for comments, and then forwarding recommendations to Council.

i) Property Standards and Non-Compliance Issues

This fee is utilized when a violation of a by-law respecting private property has been served upon the owner and compliance is not obtained. If the inspector has to attend the property a second time, the owner will be charged for the first inspection, the notices sent out, and the second inspection.

j) Noise By-law Exemption

The new Noise By-law has a process for applying to Council for an exemption from the requirements. An application will require a review of the proposal, a site inspection, an assessment of a noise study if required and preparation of a report to Council.

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

The By-law has been reviewed by Legal Counsel and has received input from staff of the Transportation, Operations and Environment Department and Development Division (Planning and Development Department).

CITY STRATEGIC COMMITMENT:

The proposed By-law contributes to the principle of sustainable development and good community design through the regulation of minor variances to signs, and certificate of compliances under the Property Standards By-law. The regulation of other By-laws contribute to the health and welfare of citizens, by ensuring that fees are paid for services.

PCL: fd
Attachs. (2)

Authority:

Bill No. xxx

THE CITY OF HAMILTON

BY-LAW NO. 02-xxx

Being a By-law under the Municipal Act, 1990, respecting the imposition of Fees or Charges for Goods, Services or Activities provided by or on behalf of the City of Hamilton

WHEREAS Council deems it necessary to enact a by-law to set fees for goods, services, activities and certain inspections provided by the Building Division on behalf of the City of Hamilton and to provide for the recovery of costs for those goods, services, activities and inspections and to authorize consequential amendments to various by-laws;

AND WHEREAS Council deems it expedient to provide a single process for minor variances from the sign by-laws of the former area municipalities, to which a fee is applicable;

AND WHEREAS Section 220.1 of The Municipal Act, R.S.O. 1990, Chapter M.45 authorizes by-laws for imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to the following former area municipalities: The Corporation of the Town of Ancaster; The Corporation of the Town of Dundas; The Corporation of the Town of Flamborough; The Corporation of the Township of Glanbrook; The Corporation of the City of Hamilton; and the Corporation of the City of Stoney Creek; (hereinafter referred to collectively as the "former area municipalities" and individually as a "former area municipality");

AND WHEREAS the City of Hamilton Act, 1999 provides that the by-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

NOW, THEREFORE, the Council of the City of Hamilton enacts as follows:

SHORT TITLE

1. This By-law may be cited as the "Fees for Services/Activities By-law".

FEES FOR 'SERVICES/ACTIVITIES'

2. (1) The Fees and Charges set out in **Schedule 'A'** attached to and forming part of this by-law, being the Tariff of Building Fees and Charges, are hereby established for the described goods, services or activities provided, initiated, or done by or on behalf of the City of Hamilton. Where a cash security is retained by the City, the Permit holder agrees that any interest accruing on the realized cash security shall belong to the City and not to the Permit holder. Securities shall not be refunded to the Permit holder until all of the work contemplated by the security is completed to the satisfaction of the Director of Building and Licensing.
- (2) The fees and charges imposed under subsection (1) apply regardless of the goods, services or activities being performed or supplied under other by-laws or statutes, and the applicable fee or charge is due upon the request for or supply of goods, services or activities, whichever is earlier.
- (3) The applicant or property owner shall pay the applicable fee or charge as required by this by-law, and no services or activities shall be performed or undertaken, or goods supplied, unless and until the applicant or owner has paid the fees and charges set forth in this by-law to the City of Hamilton Building Division.

REPEAL, AMENDMENTS AND ENACTMENT

3. In furtherance of the above, the following by-laws as may be amended are hereby further amended as follows:
 - (1) Subsection 7(2) of By-law No. 79-115 (Ancaster), establishing fees for "Certificates of Compliance" is hereby repealed.
 - (2) Subsection 4.3 of Section 4 of By-law No. 95-12 (Ancaster), establishing fees for "Certificates of Compliance" is hereby repealed.
 - (3) Subsection 4(2) of By-law No. 4470-99 (Dundas), establishing fees for "Registration of Accessory Apartments" is hereby repealed.
 - (4) Clauses (c) and (d) of Section 38 of By-law No. 4478-99 (Dundas), establishing fees for "Certificates of Compliance" are hereby repealed.
 - (5) Clauses 7.4.2, 7.4.3 and 7.4.4 of Section 7 of By-law No. 80-111-P (Flamborough), establishing fees for "Certificates of Compliance" are hereby repealed.
 - (6) The ~~four~~ "Sewage System Assessment" fees, and the fees respecting "Zoning Verification and Work Order Letters" in Schedule "A" of "The Revenue Rate By-law", being By-law No. 94-51-R (Flamborough) as amended, are hereby repealed.

- (7) Subsection 69(2) and Schedule "B" of By-law No. 505-94 (Glanbrook), establishing fees for "Certificates of Compliance" are hereby repealed.
- (8) The fees for searching or verifying "Work Order/Zoning/Agreement Compliance", and the two fees respecting "Inspection and Written Comments for Septic Systems" of Building By-law No. 489-93 (Glanbrook) as amended by By-law No. 489-1-98 are hereby repealed.
- (9) Section 39 of By-law No. 98-243 (Hamilton), being the Property Standards By-law for Hamilton as may be amended, is hereby further amended by repealing and replacing section 39 with the following:

"39. Certificate of Compliance
Every owner may make an application to the City for a certificate of compliance, and shall lodge the application with the Property Standards Officer."
- (10) The fee provisions in items 11(3) and 13 of Schedule "A" of By-law No. 99-073 (Hamilton) are hereby repealed.
- (11) Section 19 of By-law No. 4239-95 (Stoney Creek), being the Property Standards By-law for Stoney Creek as may be amended, is hereby further amended by repealing and replacing section 19 with the following:

"19. Certificate of Compliance
At the request of the owner, the officer shall issue to the owner a certificate of compliance as prescribed in Schedule "B", if in the officer's opinion, the property is in compliance with the standards prescribed in this by-law. Where such certificate of compliance is issued at the request of the owner, the owner shall pay any fee required by the Electrical Safety Authority for an inspection carried out by the Authority."
- (12) Schedule "C" of By-law No. 4239-95 (Stoney Creek) is hereby repealed.
- (13) The fees for "Sewage System Assessments" in Schedule "A" of Building By-law No. 4694-98 (Stoney Creek) as amended by By-law No. 4717-98 (Stoney Creek) are hereby repealed.
- (14) Subsection 10(b) of By-law No. 3042-89 (Stoney Creek) as amended by Section 2. of By-law No. 3961-94; and Section 3. of By-law No. 3961-94 (Stoney Creek) is hereby repealed.
- (15) The following sign by-laws of the former area municipalities are hereby amended as follows, to provide for minor variance from the provisions of the respective sign by-laws of the municipalities:

- (a) By repealing and replacing the following sections of the following by-laws all as may be amended: section 14.0 of By-law No. 95-50 (Ancaster), section 8.5 of By-law No. 3094-79 (Dundas), section 13.0 of By-law No. 97-67-S (Flamborough), section 11.0 of By-law No. 511-94 (Glanbrook), section 19 of By-law No. 97-026 (Hamilton) and section 10 of By-law No. 3042-89 (Stoney Creek), with the following subsections being respectively section 14.0 of By-law No. 95-50 (Ancaster), section 8.5 of By-law No. 3094-79 (Dundas), section 13.0 of By-law No. 97-67-S (Flamborough), section 11.0 of By-law No. 511-94 (Glanbrook), section 19 of By-law No. 97-026 (Hamilton) and section 10 of By-law No. 3042-89 (Stoney Creek):

"Minor Variance

.1 Where a property owner or occupant, or other person in control of a sign requires a minor variance from the provisions of this by-law, they may apply to the City of Hamilton for approval of the variance, by making application specifying the variance sought from the provisions of this by-law to the Building Division of the City, in the form provided, and upon payment of the fee prescribed.

.2 The making of an application for a minor variance does not waive the requirement to comply with this by-law unless and until such variance is approved in accordance with this by-law.

.3 The approval of an application for minor variance under this by-law does not waive the requirement to comply with other provisions of this by-law, other by-laws, or other laws, nor does it indicate approval, waiver or consent by the City for requirements or matters other than those imposed in this by-law.

.4 Where an application and fee for a minor variance is received in accordance with subsection (.1) above, the application shall be referred to the Chief Building Official or his or her delegate, who shall consider the provisions of this by-law, the variances requested therefrom, the application, the existing or requested sign, the use or proposed use of the property, and

- (a) Whether the general intent and purpose of this by-law is maintained;
- (b) Whether the variance is desirable for appropriate use of the sign and property; and
- ✦(c) Whether the variance is minor.

.5 Where the review in subsection (.4) above indicates that granting the variance would not maintain the general intent and purpose of this by-law, or that the variance is not desirable for appropriate use of the sign and property, or that the variance is not minor, or that otherwise it is not in the public interest to grant the variance, the variance shall be refused, and notice of the refusal to grant the variance and the reasons shall be delivered to the applicant, or faxed or mailed to the applicant, at the address or number provided, which notice shall include the name of the person making the decision. Where the review in (.4) is not refused for the reasons above, the minor variance shall be granted.

.6 For the purposes of subsections (.4) and (.5) above, city staff shall consider a variance of five percent or less from the numerical requirements of the by-law to be minor, unless the number of variances from the provisions of this by-law is more than one, and if more than one shall consider if the variance is still minor.

.7 Where the notice of refusal to grant a variance in subsection (.5) above is mailed, the notice shall be deemed to be received on the seventh day after the date of mailing, and where the notice is faxed to the applicant, shall be deemed received on the date the notice was faxed.

.8 The applicant for a variance may appeal the refusal to grant the variance, by filing a written request with the Building Division of the City of Hamilton specifying the reason for the appeal, within 15 days of the date of delivery or deemed receipt of the notice of refusal.

.9 Where an appeal is received in accordance with subsection (.8) above, staff of the Building Division shall arrange an attendance before a committee of Council for the City of Hamilton, or if Council does not specify a committee for such hearings, before the Hearings Committee, to review the matters raised in subsection (.4) above, and hear the submissions of the applicant or of the Building Division in respect of the application, and decide whether the variance should be granted as the variance is minor, desirable for the appropriate use of the sign or property, and that the general intent and purpose of this by-law is maintained.

.10 The decision of the Chief Building Official or his or her delegate under subsection (.4) above to refuse the variance, if not appealed in the time limit prescribed in subsection (.8) above is final, and no further application for a variance in respect of the sign shall be accepted or considered further by the City.

.11 The decision of Council to refuse the variance under subsection (.9) above is final and no further application for a variance in respect of the sign shall be accepted or considered further by the City."

- (16) In all other respects the following by-laws, as amended, of the former area municipalities, are hereby confirmed without change: No. 79-115 (Ancaster), No. 95-12 (Ancaster), No. 95-50 (Ancaster), No. 4470-99 (Dundas), No. 4478-99 (Dundas), No. 3094-79 (Dundas), No. 80-111-P (Flamborough), No. 94-51-R (Flamborough), No. 97-67-S (Flamborough), No. 505-94 (Glanbrook), No. 511-94 (Glanbrook), No. 98-243 (Hamilton), No. 97-026 (Hamilton), No. 4239-95 (Stoney Creek), and No. 3042-89 (Stoney Creek).
4. In furtherance of the above, the following by-laws of the former area municipalities as may be amended, are hereby repealed: No. 4020-92 (Dundas); No. 4099-93 (Dundas); No. 4264-96 (Dundas); No. 4408-98 (Dundas); No. 99-20-R (Flamborough); No. 489-2-98 (Glanbrook); and No. 99-074 (Hamilton).
5. This by-law shall come into force and effect on the date of enactment.

ENACTED AND PASSED this day of, A.D. 2002

MAYOR

CLERK

Schedule 'A' to Bylaw No. 02-xxx

**Zoning Verification Certificates/
Work Order Reports**

Regular	-	\$ 80.00
Express (48 hours)	-	\$120.00

Sewage System Severance Comments

(Unserviced lot; inspection/letter)	-	\$200.00
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**Certificate of Compliance
(Inspection and Issuing Certificate)**

Single detached dwelling	-	\$220.00
Two, three or multiple unit Dwelling	-	\$220.00 plus \$30.00 for each additional dwelling unit in excess of the first
A lodging house or nursing home	-	\$220.00 plus \$20.00 per each permitted resident
All other buildings (Liquor licence)	-	\$220.00 plus \$10.00 per 100 square metres in excess of the first 100 square metres

Photocopy service

Including computer printouts	-	\$0.21 per page (Gst included)
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Computer Disks

	-	\$10.70 per disk (Gst included)
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Records searches

Including manual searches and preparation of information	-	\$8.03 for each 15 minutes (Gst included)
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Computer Programming

For developing programs or other ways of producing records from machine readable records	-	\$16.05 for each 15 minutes (Gst included)
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Blasting Permit.

	-	\$100.00
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Noise By-law Exemption

For each application requesting an exemption from the noise by-law	-	\$500.00 (Non-refundable)
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Schedule 'A' to By-law No. 02-xxx (continued)

Grading - Security deposit	-	\$1,000.00
Discharge of Work Order		
Non-registered	-	\$ 75.00
Registered Order	-	\$220.00
Demolition Agreement for Building Replacement		
Agreement	-	\$350.00
Security deposit/letter of credit	-	\$100.00 per square metre of building to be demolished; \$2,500.00 (Minimum), \$20,000.00 (Maximum)
Rural Municipal Number		
Full installation by city forces	-	\$ 82.00 (Gst included)
Materials for homeowner		
Installation	-	\$ 20.00 (Gst included)
City maintenance, no materials	-	\$ 62.50 (Gst included)
City replacement, post only	-	\$ 72.00 (Gst included)
City replacement, sign only	-	\$ 52.00 (Gst included)
Minor Variance to Sign By-law		
Per Application	-	\$700.00 (Non-refundable)
Property Standards/Waste Materials and Non-Compliance with By-law Violation Issues (Various By-laws)		
First inspection	-	No Charge
Second inspection		
where violation(s) found	-	\$180.00
Subsequent inspections		
where violation(s) found	-	\$ 90.00 (each)

* **Note:** *Interest accruing on realized or refunded "Cash Security Deposits" shall belong to the City and shall not be the property of the permit holder.*

ITEM	Ancaster	Dundas	Flamborough	Glanbrook	Hamilton	Stoney Creek	New (Proposed)
Zoning Verification and Work Order Reports	\$50.00	\$50.00	\$75.00	\$50.00	Regular \$80.00 Express \$120.00	\$80.00	Regular \$80.00 Express \$120.00
Sewage System and Severance Comments	\$100.00	N/A	\$50.00	\$50.00	\$200.00	\$100.00	\$200.00
Certificate of Compliance	N/A	\$150.00 +	\$75.00	\$50.00	\$220.00 +	\$104.20	\$220.00 +
Blasting Permit	Varied	N/A	\$50.00	N/A	N/A	N/A	\$100.00
Grading Deposit	\$1000.00	N/A	N/A	N/A	N/A	\$1000.00 +	\$1000.00
Demolition Agreement	\$25.00 +	N/A	\$125.00	N/A	N/A	\$268.50	\$350.00
Rural Municipal Numbers	\$40.00 owner installation; \$80.00 Town installation.	N/A	\$40.00	\$40.00	N/A	\$50.83	\$20.00 owner install.* \$82.00 City install.*
Minor Variance: Sign By-Law	\$300.00	N/C	\$500.00	N/C	\$300.00	\$50.00	\$700.00*
Property Standards and Non-Compliance Issues	N/C	N/C	1 st Inspection No Charge; 2 nd Inspection - \$100.00	N/C	1 st Inspection No Charge; Proposed By-law: 2 nd Inspection - \$180.00	\$60.00 per Inspection	1 st Inspection - No Charge; 2 nd Inspection - \$180.00; Additional Inspections at \$90.00 each
Noise By-Law Exemption (New)	N/A	N/A	N/A	N/A	N/A	N/A	\$500.00*

* Indicates the value of fee already approved by Council

Station	Date	Time	Wind	Temp	Humidity	Pressure	Remarks
1. Station 1	1/1/2020	08:00	10	15	85	1013	Clear sky
2. Station 2	1/1/2020	09:00	12	18	80	1012	Light clouds
3. Station 3	1/1/2020	10:00	15	20	75	1011	Increasing clouds
4. Station 4	1/1/2020	11:00	18	22	70	1010	Thunderstorm
5. Station 5	1/1/2020	12:00	20	25	65	1009	Heavy rain
6. Station 6	1/1/2020	13:00	22	28	60	1008	Thunderstorm
7. Station 7	1/1/2020	14:00	25	30	55	1007	Heavy rain
8. Station 8	1/1/2020	15:00	28	32	50	1006	Thunderstorm
9. Station 9	1/1/2020	16:00	30	35	45	1005	Heavy rain
10. Station 10	1/1/2020	17:00	32	38	40	1004	Thunderstorm
11. Station 11	1/1/2020	18:00	35	40	35	1003	Heavy rain
12. Station 12	1/1/2020	19:00	38	42	30	1002	Thunderstorm
13. Station 13	1/1/2020	20:00	40	45	25	1001	Heavy rain
14. Station 14	1/1/2020	21:00	42	48	20	1000	Thunderstorm
15. Station 15	1/1/2020	22:00	45	50	15	999	Heavy rain
16. Station 16	1/1/2020	23:00	48	52	10	998	Thunderstorm
17. Station 17	1/1/2020	00:00	50	55	5	997	Heavy rain
18. Station 18	1/1/2020	01:00	52	58	0	996	Thunderstorm
19. Station 19	1/1/2020	02:00	55	60	0	995	Heavy rain
20. Station 20	1/1/2020	03:00	58	62	0	994	Thunderstorm
21. Station 21	1/1/2020	04:00	60	65	0	993	Heavy rain
22. Station 22	1/1/2020	05:00	62	68	0	992	Thunderstorm
23. Station 23	1/1/2020	06:00	65	70	0	991	Heavy rain
24. Station 24	1/1/2020	07:00	68	72	0	990	Thunderstorm
25. Station 25	1/1/2020	08:00	70	75	0	989	Heavy rain
26. Station 26	1/1/2020	09:00	72	78	0	988	Thunderstorm
27. Station 27	1/1/2020	10:00	75	80	0	987	Heavy rain
28. Station 28	1/1/2020	11:00	78	82	0	986	Thunderstorm
29. Station 29	1/1/2020	12:00	80	85	0	985	Heavy rain
30. Station 30	1/1/2020	13:00	82	88	0	984	Thunderstorm
31. Station 31	1/1/2020	14:00	85	90	0	983	Heavy rain
32. Station 32	1/1/2020	15:00	88	92	0	982	Thunderstorm
33. Station 33	1/1/2020	16:00	90	95	0	981	Heavy rain
34. Station 34	1/1/2020	17:00	92	98	0	980	Thunderstorm
35. Station 35	1/1/2020	18:00	95	100	0	979	Heavy rain
36. Station 36	1/1/2020	19:00	98	102	0	978	Thunderstorm
37. Station 37	1/1/2020	20:00	100	105	0	977	Heavy rain
38. Station 38	1/1/2020	21:00	102	108	0	976	Thunderstorm
39. Station 39	1/1/2020	22:00	105	110	0	975	Heavy rain
40. Station 40	1/1/2020	23:00	108	112	0	974	Thunderstorm
41. Station 41	1/1/2020	00:00	110	115	0	973	Heavy rain
42. Station 42	1/1/2020	01:00	112	118	0	972	Thunderstorm
43. Station 43	1/1/2020	02:00	115	120	0	971	Heavy rain
44. Station 44	1/1/2020	03:00	118	122	0	970	Thunderstorm
45. Station 45	1/1/2020	04:00	120	125	0	969	Heavy rain
46. Station 46	1/1/2020	05:00	122	128	0	968	Thunderstorm
47. Station 47	1/1/2020	06:00	125	130	0	967	Heavy rain
48. Station 48	1/1/2020	07:00	128	132	0	966	Thunderstorm
49. Station 49	1/1/2020	08:00	130	135	0	965	Heavy rain
50. Station 50	1/1/2020	09:00	132	138	0	964	Thunderstorm
51. Station 51	1/1/2020	10:00	135	140	0	963	Heavy rain
52. Station 52	1/1/2020	11:00	138	142	0	962	Thunderstorm
53. Station 53	1/1/2020	12:00	140	145	0	961	Heavy rain
54. Station 54	1/1/2020	13:00	142	148	0	960	Thunderstorm
55. Station 55	1/1/2020	14:00	145	150	0	959	Heavy rain
56. Station 56	1/1/2020	15:00	148	152	0	958	Thunderstorm
57. Station 57	1/1/2020	16:00	150	155	0	957	Heavy rain
58. Station 58	1/1/2020	17:00	152	158	0	956	Thunderstorm
59. Station 59	1/1/2020	18:00	155	160	0	955	Heavy rain
60. Station 60	1/1/2020	19:00	158	162	0	954	Thunderstorm
61. Station 61	1/1/2020	20:00	160	165	0	953	Heavy rain
62. Station 62	1/1/2020	21:00	162	168	0	952	Thunderstorm
63. Station 63	1/1/2020	22:00	165	170	0	951	Heavy rain
64. Station 64	1/1/2020	23:00	168	172	0	950	Thunderstorm
65. Station 65	1/1/2020	00:00	170	175	0	949	Heavy rain
66. Station 66	1/1/2020	01:00	172	178	0	948	Thunderstorm
67. Station 67	1/1/2020	02:00	175	180	0	947	Heavy rain
68. Station 68	1/1/2020	03:00	178	182	0	946	Thunderstorm
69. Station 69	1/1/2020	04:00	180	185	0	945	Heavy rain
70. Station 70	1/1/2020	05:00	182	188	0	944	Thunderstorm
71. Station 71	1/1/2020	06:00	185	190	0	943	Heavy rain
72. Station 72	1/1/2020	07:00	188	192	0	942	Thunderstorm
73. Station 73	1/1/2020	08:00	190	195	0	941	Heavy rain
74. Station 74	1/1/2020	09:00	192	198	0	940	Thunderstorm
75. Station 75	1/1/2020	10:00	195	200	0	939	Heavy rain
76. Station 76	1/1/2020	11:00	198	202	0	938	Thunderstorm
77. Station 77	1/1/2020	12:00	200	205	0	937	Heavy rain
78. Station 78	1/1/2020	13:00	202	208	0	936	Thunderstorm
79. Station 79	1/1/2020	14:00	205	210	0	935	Heavy rain
80. Station 80	1/1/2020	15:00	208	212	0	934	Thunderstorm
81. Station 81	1/1/2020	16:00	210	215	0	933	Heavy rain
82. Station 82	1/1/2020	17:00	212	218	0	932	Thunderstorm
83. Station 83	1/1/2020	18:00	215	220	0	931	Heavy rain
84. Station 84	1/1/2020	19:00	218	222	0	930	Thunderstorm
85. Station 85	1/1/2020	20:00	220	225	0	929	Heavy rain
86. Station 86	1/1/2020	21:00	222	228	0	928	Thunderstorm
87. Station 87	1/1/2020	22:00	225	230	0	927	Heavy rain
88. Station 88	1/1/2020	23:00	228	232	0	926	Thunderstorm
89. Station 89	1/1/2020	00:00	230	235	0	925	Heavy rain
90. Station 90	1/1/2020	01:00	232	238	0	924	Thunderstorm
91. Station 91	1/1/2020	02:00	235	240	0	923	Heavy rain
92. Station 92	1/1/2020	03:00	238	242	0	922	Thunderstorm
93. Station 93	1/1/2020	04:00	240	245	0	921	Heavy rain
94. Station 94	1/1/2020	05:00	242	248	0	920	Thunderstorm
95. Station 95	1/1/2020	06:00	245	250	0	919	Heavy rain
96. Station 96	1/1/2020	07:00	248	252	0	918	Thunderstorm
97. Station 97	1/1/2020	08:00	250	255	0	917	Heavy rain
98. Station 98	1/1/2020	09:00	252	258	0	916	Thunderstorm
99. Station 99	1/1/2020	10:00	255	260	0	915	Heavy rain
100. Station 100	1/1/2020	11:00	258	262	0	914	Thunderstorm

CITY OF HAMILTON

12.2

PLANNING AND DEVELOPMENT DEPARTMENT
Development Division

Report to:	Mayor and Members Committee of the Whole	Submitted by:	Lee Ann Coveyduck General Manager
Date:	November 15, 2002	Prepared by:	Christine Lee-Morrison and Stan Holiday (905) 546-4280
File:	N/A		

SUBJECT: Follow Up Report to Outstanding Business Item V from Committee of the Whole Listing as at November 19, 2002 - The Roles and Responsibilities of the Committee of Adjustment (PD02116(a)) (City Wide)

RECOMMENDATION:

- (a) That the following actions be undertaken by the City of Hamilton with respect to the Committee of Adjustment (COA):
- (i) That where the Planning Act appeal periods can be met, the Planning and Development Department be authorized and directed to report to the Committee of the Whole whenever, in the opinion of staff, a Committee of Adjustment decision has the effect of adding to the uses permitted under the Zoning By-law **and is deemed not to be in keeping with the intent and purpose of the By-law**. In response to such a report, the City may determine its position on the Committee of Adjustment decision and instruct staff accordingly.
 - (ii) That where the Planning Act appeal periods cannot be met, the Planning and Development Department be authorized and directed to file an appeal with the Secretary Treasurer of the Committee of Adjustment, in the name of and on behalf of the City, whenever, in the opinion of staff, a Committee of Adjustment decision has the effect of adding to the uses permitted under the Zoning By-law **and is deemed not to be in keeping with the intent and purpose of the By-law**. Such an appeal shall be made subject to Council approval/ratification or withdrawal. The Planning and

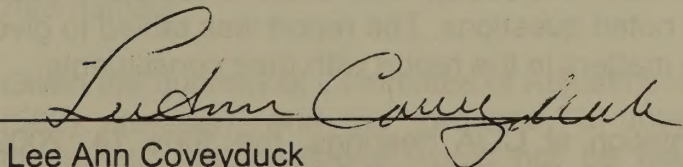
SUBJECT: Follow Up Report to Outstanding Business Item V from Committee of the Whole Listing as at November 19, 2002 - The Roles and Responsibilities of the Committee of Adjustment (PD02116(a)) (City Wide) - Page 2 of 13

Development Department shall prepare a report to the Committee of the Whole. In response to such a report, the City may determine its position on the Committee of Adjustment decision and instruct staff accordingly.

- (iii) **That the Planning and Development Department be authorized and directed to prepare an Information report to the Committee of the Whole whenever an appeal to the Ontario Municipal Board, of a decision made by the Committee of Adjustment to deny an application(s) that was supported by staff, occurs. In response to such a report, Council may determine its position on the Committee of Adjustment decision and may instruct Legal Services to attend the Ontario Municipal Board Hearing, in support of the Committee's decision, and to retain outside professional(s) accordingly.**
- (iv) That the Planning and Development Department, in conjunction with Legal Services, be authorized and directed to provide the Committee of Adjustment members with a training session **and Council members with an orientation session**, outlining the purpose and powers of the Committee of Adjustment, as set out in the Planning Act, and provide regular orientation sessions at the beginning of each new term for the Committee **and Council**.
- (v) **That the Planning and Development Department, in conjunction with Legal Services, be authorized and directed to provide community groups/citizen committees with orientation sessions outlining the purpose and powers of the Committee of Adjustment and the Ontario Municipal Board, as set out in the Planning Act, upon request.**
- (vi) That the Planning and Development Department, in conjunction with Legal Services, be authorized and directed to prepare amendments to the Committee of Adjustment By-law, incorporating the procedural requirements set out in Appendix "A" to Report PD02116(a), and provide for informal mediation processes, together with any other procedural requirements required by provincial legislation, and to present such amending By-law to Council for passage.
- (vii) That the Planning and Development Department be authorized and directed to proceed with the posting of all upcoming Committee of Adjustment Agendas on the City's web page.

SUBJECT: Follow Up Report to Outstanding Business Item V from Committee of the Whole Listing as at November 19, 2002 - The Roles and Responsibilities of the Committee of Adjustment (PD02116(a)) (City Wide) - Page 3 of 13

- (viii) That the Secretary Treasurer of the Committee of Adjustment be authorized and directed to advise the Committee that the City supports informal mediation between parties, as a means of resolving controversial applications.
 - (ix) That the Planning and Development Department be authorized and directed to prepare a public information brochure, intended for the general public and applicants, which explains the purpose and function of the Committee of Adjustment, how meetings are held, and encourages consultation and communication between applicants and surrounding residents/owners.
 - (x) That the Planning and Development Department be authorized and directed to continue its practice of encouraging applicants to consult with the appropriate City planning team and affected property owners, prior to submitting an application to the Committee of Adjustment.
 - (xi) That the Planning and Development Department and Legal Services be authorized and directed to continue meeting with affected parties, prior to Ontario Municipal Board hearings, where staff has been directed to attend the Hearing, where parties are willing to attempt to resolve the matters and where staff is of the opinion that a resolution could be reached without compromising good planning.
 - (xii) **That upon the request of a member of Council, the consideration of a particular application by the Committee of Adjustment may be scheduled at the end of an agenda, to allow the item to be heard as late in the afternoon as possible.**
- (b) That the Secretary-Treasurer of the Committee of Adjustment advise the Committee Members of the City's decision on this matter and provide members with a copy of Report PD02116(a).



Lee Ann Coveyduck
General Manager
Planning and Development Department

SUBJECT: Follow Up Report to Outstanding Business Item V from Committee of the Whole Listing as at November 19, 2002 - The Roles and Responsibilities of the Committee of Adjustment (PD02116(a)) (City Wide) - Page 4 of 13

EXECUTIVE SUMMARY:

On May 7, 2002, the Committee of the Whole requested the Planning and Development Department to report back to the Committee with information on the roles, responsibility and purpose of the Committee of Adjustment (COA). On July 2, 2002, a report was taken to the Committee of the Whole, which discussed several questions asked by the Committee of the Whole. The report was tabled to give Councillors the opportunity to discuss the matters in the report with their constituents. The Ward One Councillor's office has provided comments to the Planning and Development Department, which are addressed in this report. The Committee of the Whole also asked for additional information from the Planning and Development Department respecting policies of other municipalities dealing with political representation at COA hearings. A survey of several Ontario municipalities reveals that no other municipalities have policies in place to restrict political representation at COA.

BACKGROUND:

On May 7, 2002, the Committee of the Whole requested the Planning and Development Department to report back to the Committee with information on the roles, responsibility and purpose of the Committee of Adjustment. Specifically, the Committee of the Whole requested information on the following:

- Is it appropriate for the Committee of Adjustment to make decisions, which alter land uses or permitted uses?
- Is it appropriate for the Committee of Adjustment to approve prohibited uses?
- Can the meetings be changed to the evening to accommodate the public?
- How can the meetings be made user friendly?
- Why not have a mediation process like Toronto prior to a hearing?
- Explain the policy with respect to political representation at a hearing.
- What is the feasibility of an appeal process to Council for decisions made by the Committee of Adjustment?

On July 2, 2002, Report PD02116 (dated June 14, 2002), was taken to the Committee of the Whole, which discussed the above noted questions. The report was tabled to give Councillors the opportunity to discuss the matters in the report with their constituents.

In addition, respecting political representation at COA hearings, the June 14, 2002 report explained that there is currently no policy in place for the City of Hamilton. Also, given that the Planning Act requires the Committee of Adjustment hearings to be open to the Public, which includes members of City Council, no new policy was

SUBJECT: Follow Up Report to Outstanding Business Item V from Committee of the Whole Listing as at November 19, 2002 - The Roles and Responsibilities of the Committee of Adjustment (PD02116(a)) (City Wide) - Page 5 of 13

recommended. The Committee of the Whole asked for additional information from the Planning and Development Department, respecting the policies of other municipalities dealing with political representation at COA hearings.

ANALYSIS OF ALTERNATIVES:

The Ward One Councillor's office has provided comments to the Planning and Development Department with respect to Report PD02116 (dated June 14, 2002). The following is a summary of the comments, and related alternatives.

Training Session For Committee Members

Comment: Good idea, but could it be expanded to include Councillors and interested community groups.

Alternatives

Planning orientation sessions are normally given to Council members at the beginning of each term and this practice can be continued.

With respect to community groups, there are other recommendations in Report PD02116, which are intended to improve public knowledge and accessibility to the Committee. Furthermore, there may be numerous community groups and it may be difficult to provide regular training sessions for all groups. Also, these groups often do not coincide with Council terms. Therefore, regular orientation sessions are not recommended. However, should a community group make a special request to the Planning and Development Department, a training session could be organized.

Posting Agendas on the City's Web Site

Comment: Good idea, but it would also be helpful to have the agency comments and decisions posted in addition to the agendas.

Alternatives

Given the quantity of Committee of Adjustment applications (approximately five hundred (500) annually), and the frequency of meetings (weekly), the posting of agency comments and decisions would not be feasible. However, staff will endeavour to continue its efforts to make comments available to the public in a timely manner.

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Informal Mediation

Comment: Who do people ask to do the mediation and is there a list of people/departments where mediation support is available?

Alternatives

Mediation may be initiated by the applicant, interested parties (e.g. affected residents), or by the Council member. In cases where the applicant or Council member initiates the mediation, Planning and Development staff may be asked to attend as a resource person, or to assist in facilitation. If interested parties, or resident groups, wish to initiate a mediation, and are not sure how to proceed, they may contact the Planning and Development Department, who would contact the applicant to determine their willingness to participate. This information will be included in the public information brochure (Recommendation (a)(ix) Report PD02116(a)). Therefore, there are no further recommendations required.

Public Information Brochure

Comment: The brochure should explain the apparent disconnect between planning staff recommending denial and approval by the Committee and the "four tests" that must be satisfied.

Alternatives

The brochure will explain the powers of the Committee of Adjustment under the Planning Act (e.g. the four part test), the role of staff to make recommendations to the Committee based on the tests, the jurisdiction of the Committee of Adjustment to make decisions based on the evidence presented, and the process of appeal to the Ontario Municipal Board, including the option for the City to file an appeal. Therefore, there are no further recommendations required.

Consultation with Planning Team Prior to Application/Hearing

Comment: Could this be included in the brochure?

Alternatives

Yes, continued encouragement to consult with the appropriate planning team prior to filing an application and a Committee of Adjustment Hearing will be included in the public information brochure. Therefore, there are no further recommendations required.

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Evening Meetings

Comments: Could there be evening meetings once per month, perhaps as a pilot project.

Alternatives

Although the related costs for staffing would be reduced having only one (1) evening meeting per month, instead of changing all of the meetings to the evening, many of the disadvantages outlined in Report PD02116 would still be applicable and the Planning and Development Department would not change its recommendation.

As an alternative, it may be possible, to schedule certain items at the end of the agenda, which means they would be heard late in the afternoon (e.g. 4:30 p.m. to 5:30 p.m.). This would allow the more controversial items to be heard later, making it easier for people to attend. This compromise would provide some of the benefits of evening meetings, in an efficient manner. The request should come through the Ward Councillor's office, to avoid unnecessary requests for late meetings.

User Friendly Meetings

Comments: Announced decisions need to be clear, especially when they are different from the application. Interested parties are not always able to respond to an applicant's response, should they be able to?

Alternatives

Decisions should be announced clearly and include any changes from the original application (e.g. additional variances, partial approvals). In addition, announcement should include any conditions that are being imposed by the Committee. This should be included in the proposed Revisions to Meeting Procedures (Appendix "A" to Report PD02116(a)).

Following the introduction of the application, the procedure of the Committee is to allow the applicant to speak first and then interested parties are asked to present their comments. The applicant is then allowed to respond to the comments of the interested parties and answer any questions of the Committee members. The applicant is allowed to speak a second time, in order to attempt to address any concerns of interested parties. This procedure is followed to maintain order at the Hearing and to allow comments and concerns to be addressed to the Committee, rather than having direct

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dialogue between the applicant and interested parties. Therefore, there are no changes recommended to this procedure.

Patio Applications

Comment: There is no answer to the question on how to deal with patio applications.

Alternatives

Report PD02116, explained the legal roles and responsibilities of the Committee of Adjustment and answered the following questions:

- Is it appropriate for the Committee of Adjustment to make decisions, which alter land uses or permitted uses?
- Is it appropriate for the Committee of Adjustment to approve prohibited uses?

The report also explained the City's option to appeal a decision of the Committee of Adjustment to the Ontario Municipal Board. There is no one correct way to deal with patio applications. In some cases, an application may request a patio, notwithstanding that the use is not permitted (or is prohibited). As set out in Report PD02116, Planning staff normally recommends against the addition of new uses by minor variance. However, strictly speaking, the Planning Act does not exclusively prohibit the Committee of Adjustment from making decisions, which have the effect of adding to the uses permitted under the By-law. The Committee of Adjustment has to satisfy itself that all "four tests" are met. Therefore, each application must be reviewed, based on its own merits and fulfilment of the tests. Should the Committee decide to approve an application to add a new use, and Council disagrees with its decision, Report PD02116 sets out a procedure for appealing such decisions to the Ontario Municipal Board. Therefore, there are no further recommendations required.

Attendance at the Ontario Municipal Board

Comment:

The current practice is that both Legal Services and Planning and Development Department staff only attend an Ontario Municipal Board Hearing when both the Planning and Development staff and the Committee of Adjustment do not support an application(s) and the decision to deny the application(s) is appealed.

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Addition:

Currently, City Staff (e.g. Planning and Development, Legal Services) do not attend Ontario Municipal Board hearings in the situation where Planning and Development has recommended approval of an application(s) and the Committee of Adjustment decision is to deny the application(s). A recommendation is included in the report that would require an Information item be prepared by Planning and Development staff for consideration by the Committee of Whole, when this situation arises. Council, if desired, could then direct Legal Services to attend the Ontario Municipal Board Hearing and authorize the retaining of the necessary professional consultant(s) to support the Committee of Adjustment's decision to deny the application(s).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Legal

Where a municipality has passed a Zoning By-law, in accordance with the Planning Act, Sections 44 and 45 of the Act permit the municipality to appoint a Committee of Adjustment, which must follow the rules of procedures, as prescribed. Committee of Adjustment hearings, by law, must be open to the public, and the Committee must hear from the applicant, and any member of the public/interested party, who desires to be heard.

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Survey of Municipalities

Appendix B, as provided in the original report, outlines the Committee of Adjustment Procedures of various municipalities. The Committee of the Whole also asked for additional information from the Planning and Development Department, respecting policies of other municipalities dealing with political representation at COA hearings.

Several Ontario municipalities were surveyed respecting the policies dealing with political representation at COA hearings. Appendix C provides a summary of the survey results. The survey suggests that other municipalities do not regulate political

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attendance at COA hearings. No other municipality surveyed has a policy in place dealing with, or restricting, political representation at COA. Furthermore, all of the municipalities surveyed allow political representation at COA hearings. Although, some municipalities indicated that Council members do not frequently attend meetings. Notwithstanding, when Council members wish to attend, there is generally no objection.

One (1) municipality (Burlington) indicated that, upon appointment to the COA, members are instructed that they function independent from Council. This is consistent with Report PD02116, recommendation (a) iii), which would require the Planning and Development Department, in conjunction with Legal Services, to provide the Committee of Adjustment members with a training session outlining the purpose and powers of the Committee of Adjustment, as set out in the Planning Act, and provide regular orientation sessions at the beginning of each new term for the Committee. As part of this training, members would be instructed that they act independently of City Council and that the Committee of Adjustment makes its decisions based on its view of the evidence in a particular case (e.g. the four part test).

CITY STRATEGIC COMMITMENT:

Vision 2020 Strategies for a Sustainable Community contains goals with respect to Community Well-Being and Capacity Building. One (1) such goal is to ensure public activities and decisions, at all levels of government, are co-ordinated, efficient, effective and easily accessible to all citizens. In addition, with respect to Land Use in the Urban Area, citizen empowerment is encouraged by educating the public on the land use planning process so people know how and when to contribute to public discussion of proposals and plans. Recommendations in the June 14, 2002 report, which are aimed at improving the effectiveness of the Committee of Adjustment and improving public awareness respecting the roles and responsibilities of the Committee, would implement the goals and objectives of Vision 2020.

CONCLUSIONS:

The Recommendations of Report PD02116 (June 14, 2002) contained the following:

- That where the Planning Act appeal periods can be met, the Planning and Development Department be directed to report to the Committee of the Whole whenever, in the opinion of staff, a Committee of Adjustment decision has the effect of adding to the uses permitted under the Zoning By-law. In response to such a report, the City may determine its position on the Committee of Adjustment decision and instruct staff accordingly.

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- That where the Planning Act appeal periods cannot be met, the Planning and Development Department be authorized to file an appeal with the Secretary Treasurer of the Committee of Adjustment, in the name of, and on behalf of, the City, whenever, in the opinion of staff, a Committee of Adjustment decision has the effect of adding to the uses permitted under the Zoning By-law. Such an appeal shall be made, subject to Council approval/ratification or withdrawal. The Planning and Development Department shall prepare a report to the Committee of the Whole. In response to such a report, the City may determine its position on the Committee of Adjustment decision and instruct staff accordingly.
- That the Planning and Development Department, in conjunction with Legal Services, be directed to provide the Committee of Adjustment members with a training session, outlining the purpose and powers of the Committee of Adjustment, as set out in the Planning Act, and provide regular orientation sessions at the beginning of each new term for the Committee.
- That the Planning and Development Department, in conjunction with Legal Services, be directed to prepare amendments to the Committee of Adjustment By-law, incorporating the procedural requirements, set out in Appendix "A" to Report PD02116, and provide for informal mediation processes, together with any other procedural requirements required by provincial legislation, and to present such amending By-law to Council for passage.
- That the Planning and Development Department be directed to proceed with the posting of all upcoming Committee of Adjustment Agendas on the City's web page.
- That the Secretary Treasurer of the Committee of Adjustment be authorized and directed to advise the Committee that the City supports informal mediation between parties, as a means of resolving controversial applications.
- That the Planning and Development Department be directed to prepare a public information brochure, intended for the general public and applicants, which explains the purpose and function of the Committee of Adjustment, how meetings are held and encourages consultation and communication between applicants and surrounding residents/owners.
- That the Planning and Development Department be directed to continue its practice of encouraging applicants to consult with the appropriate planning team and affected property owners, prior to submitting an application to the Committee of Adjustment.

SUBJECT: Follow Up Report to Outstanding Business Item V from Committee of the Whole Listing as at November 19, 2002 - The Roles and Responsibilities of the Committee of Adjustment (PD02116(a)) (City Wide) - Page 12 of 13

- That the Planning and Development Department and Legal Services be directed to continue meeting with affected parties, prior to Ontario Municipal Board hearings, where staff has been directed to attend the Hearing, where parties are willing to attempt to resolve the matters and where staff is of the opinion that a resolution could be reached without compromising good planning.

As a result of further Planning and Development Department review, we have incorporated additional wording to provide better clarification for the first two (2) recommendations of the June 14, 2002 report as follows:

- That where the Planning Act appeal periods can be met, the Planning and Development Department be directed to report to the Committee of the Whole whenever, in the opinion of staff, a Committee of Adjustment decision has the effect of adding to the uses permitted under the Zoning By-law **and is deemed not to be in keeping with the intent and purpose of the By-law**. In response to such a report, the City may determine its position on the Committee of Adjustment decision and instruct staff accordingly.
- That where the Planning Act appeal periods cannot be met, the Planning and Development Department be authorized to file an appeal with the Secretary Treasurer of the Committee of Adjustment, in the name of, and on behalf of, the City, whenever, in the opinion of staff, a Committee of Adjustment decision has the effect of adding to the uses permitted under the Zoning By-law law **and is deemed not to be in keeping with the intent and purpose of the By-law**. Such an appeal shall be made subject to Council approval/ratification or withdrawal. The Planning and Development Department shall prepare a report to the Committee of the Whole. In response to such a report, the City may determine its position on the Committee of Adjustment decision and instruct staff accordingly.

As a result of the comments received from the Ward One Councillor's office, the following actions should be undertaken by the City of Hamilton, with respect to the Committee of Adjustment, in addition to the recommendations contained in Report PD02116 (June 14, 2002):

- The Planning and Development Department, in conjunction with Legal Services, should provide Council members with an orientation session outlining the purpose and powers of the Committee of Adjustment and the Ontario Municipal Board, as set out in the Planning Act, and provide regular orientation sessions at the beginning of each new term of Council;

SUBJECT: Follow Up Report to Outstanding Business Item V from Committee of the Whole Listing as at November 19, 2002 - The Roles and Responsibilities of the Committee of Adjustment (PD02116(a)) (City Wide) - Page 13 of 13

- The Planning and Development Department, in conjunction with Legal Services, may provide community groups/citizen committees with orientation sessions outlining the purpose and powers of the Committee of Adjustment, as set out in the Planning Act, upon request;
- Upon the request of a member of Council, the consideration of a particular application by the Committee of Adjustment may be scheduled at the end of an agenda, to allow the item to be heard as late in the afternoon as possible;
- That the Planning and Development Department be directed to prepare an Information report to the Committee of the Whole whenever an appeal to the Ontario Municipal Board of a decision, made by the Committee of Adjustment to deny an application(s) that was supported by staff, occurs. In response to such a report, Council may determine its position on the Committee of Adjustment decision and may instruct Legal Services to attend the Ontario Municipal Board Hearing in support of the Committee's decision and authorize the retaining of outside professional(s) accordingly; and
- That Appendix A to Report PD02116 (Committee of Adjustment Revisions to Meeting Procedures) be revised to require decisions to be announced clearly to include any changes from the original application (e.g. additional variances, partial approvals). In addition, the announcement should include all conditions imposed by the Committee.

There is currently no policy in place with respect to political representation at COA hearings for the City of Hamilton. Furthermore, the Planning Act requires the Committee of Adjustment hearings to be open to the Public, which includes members of City Council. A survey of several other Ontario municipalities suggests that other municipalities do not have policies in place limiting political representation at COA hearings. Therefore, no change is recommended in this respect.

:CL-M/SH
Attachs. (3)

Committee of Adjustment Current Meeting Procedure

1. Secretary-Treasurer calls the application into the hearing room.
2. Secretary-Treasurer always asks the applicant before entering if they have read the agency and department comments pertaining to the application, which are posted outside of the hearing room.
3. Secretary-Treasurer brings the applicant into the room, and the applicant is allowed to sit at the end of the table. Any interested parties are instructed to sit in seats provided at the back of the room. The Committee Chair is seated at the head of the table, with Committee members on both sides of the table.
4. Secretary-Treasurer indicates which application is being dealt with, that the comments are as posted, and there is either no further correspondence received from residents, or if there is, that the Committee members have received copies of said correspondence.
5. There is no explanation given as to exactly what is proposed in the application.
6. Chairman explains the order of presentations to everyone present.
7. The applicant is permitted to speak first. The applicants will generally provide a brief outline of their request/proposal.
8. All interested parties are then allowed to express their objections, concerns or comments.
9. The applicant is then allowed to respond to concerns, and answer any questions the Committee may have.
10. Chairman then asks for a motion from the Committee, and the application is either approved or denied, or may be tabled (depending on circumstances).

Note: The Committee members do not have nameplates, nor are they introduced to the public or applicants.

Committee of Adjustment Revisions to Meeting Procedures

1. At the beginning of each hearing The Secretary-Treasurer will:
 - a) introduce each application, setting out the purpose of each application, for the benefit of the Committee, applicant, interested parties and the public generally.
 - b) indicate what agencies responded to the circulation and summarize their recommendations; also indicating if letters were received from area residents.
2. The Chairman and each Committee member will be provided with nameplates.
3. The meeting set-up and seating orientation will be changed to improve communication and accessibility. For example, when possible, the applicant, agent and interested parties should be invited to be seated around the table.
4. **Decisions will be announced clearly and will explain any changes from the original application (e.g. additional variances, partial approvals). In addition, the announcement will include all conditions imposed by the Committee.**

Survey Results – Committee of Adjustment Procedures

Municipality	Meeting Times		Comments	Formal Mediation Process	Informal Mediation Approach	Comments
	Day	Evening				
Burlington	9:00 a.m. for consents	6:30 p.m. for minor variances	- Agendas generally comprise of only 5 to 6 items. - The Secretary-Treasurer is the only staff member who attends minor variance meetings. - Planning staff attends consent hearings.	No	Yes	Meetings may be adjourned to allow parties to meet and resolve issues.
Kitchener	9:30 a.m.			Yes	Yes	- A formal process is in place, but is seldom used for minor variances. It is generally only used for larger Planning Act applications (e.g. rezonings, OPAs). - The approach for minor variance applications is generally an informal approach.
London	1:15 p.m.			No	Yes	Meetings may be adjourned to allow parties to meet and resolve issues.
Mississauga	1:30 p.m.		Councillors may set up an evening meeting with applicants and neighbours prior to the hearing.	No	No	Pre-consultation with staff is encouraged.

Municipality	Meeting Times		Comments	Formal Mediation Process	Informal Mediation Approach	Comments
Ottawa	1:30 p.m. for "inner city panel"	7:00 p.m. for "suburban panel" and "rural panel"	The current meeting schedule was introduced approximately 6 months ago.	No	No	Pre-consultation with staff is encouraged.
Waterloo	4:30 p.m.			No	Yes	Meetings may be adjourned to allow parties to meet and resolve issues.
Windsor	3:30 p.m.			No	No	
Toronto	2:00 p.m.		Operates as six panels corresponding to the six Community Councils. All panels meet at 2:00.	No	Yes	- Mediation pilot project of the former City replaced by an informal process. - Current process is focussed on decisions for which appeals have been filed.

Survey Results – Committee of Adjustment (COA) and Political Representation

Municipality	Does the Municipality have a policy with respect to political representation at COA Hearings?	Does the Municipality allow political representation at COA Hearings?	Comments
Burlington	No	Yes	• Council members do not attend often. • Upon appointment, Committee members are instructed that are an independent body.
Kitchener	No	Yes	• Discourage Council members from attending. • If Council members attend they must indicate that they are not there as a Council member.
London	No	Yes	• Council members do not attend often. • Committee members have no objection to attendance by Councillors.
Mississauga	No	Yes	• Council members do not normally attend. • Council members may provide correspondence if they have an interest.
Ottawa	No	Yes	• Council members do not attend often. • Council members can appear or write a letter.
Waterloo	No	Yes	• Council members do not attend often.
Windsor	No	Yes	• Council members can attend.
Toronto	No	Yes	• Council members do not attend often.

CITY OF HAMILTON

12.3

PLANNING AND DEVELOPMENT DEPARTMENT
Development Division

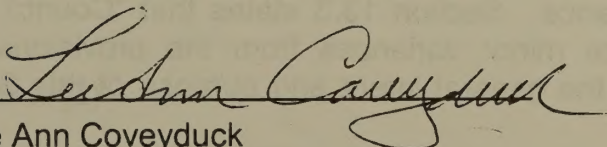
Report to: Mayor and Members Committee of the Whole	Submitted by: Lee Ann Coveyduck General Manager
Date: November 15, 2002	Prepared by: Charles McConnell
File: SV-02-02	(905) 546-2809

**SUBJECT: Sign Variance Application SV-02-02 for Part Lot 30, Concession 1,
(Former Town of Flamborough) (PD02238) (Ward 14)**

RECOMMENDATION:

That Sign Variance Application SV-02-02, Gordon Forth Farms Limited, owners, for lands located as Part Lot 30, Concession 1, being on the west side of Highway No. 52, south of Concession 2 West, (former Town of Flamborough), to permit a Billboard Sign, as shown on Appendix "A" to Report PD02238, be denied on the following basis:

- (a) That the proposal is not considered minor, as the use is prohibited in the Agriculture "A" zone; and,
- (b) That approval of this application could result in other similar applications which, if approved, would undermine the intent of the By-law.


Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

A request was received from The Plant Farm Limited (1277257 Ontario Inc.), on behalf of Gordon Forth Farms Limited, to allow a Billboard Sign, which is not permitted under Section 7.6.3 of the former Town of Flamborough's Sign By-law (By-law No. 97-67-S). The Ground Sign was not considered applicable for the proposed development. The

**SUBJECT: Sign Variance Application SV-02-02 for Part Lot 30, Concession 1,
(Former Town of Flamborough) (PD02238) (Ward 14) - Page 2 of 3**

proposed sign is being evaluated as a Billboard Sign, as opposed to a Ground Sign, due to the fact that a Billboard Sign advertises goods, products, services or facilities that are not available at the location of the sign, and/or which directs a person to a location different from that where the sign is located. The request is being made to permit a sign for the forthcoming Copetown Woods Golf Club. It is the opinion of staff that the request is not minor in nature, and it is recommended that Council deny the variance for the proposed Billboard Sign.

BACKGROUND:

The operators of The Plant Farm Limited are applying to permit a sign on the subject property as an advertisement for an area golf course, Copetown Woods, which is located at 1430 to 1472 - 2nd Concession Road West, former Town of Flamborough. The applicant originally applied in order to permit a Ground Sign, but after a review of the application, the proposal is being evaluated as a Billboard Sign. The rationale in considering the proposed sign as a Billboard Sign, as opposed to a Ground Sign, is based on the fact that a Billboard Sign is a sign that advertises for commodities, which are not available at that specific location, or which gives directions to an alternate location. A Ground Sign is typically for an on-site use.

The proposed sign is not permitted within the Agricultural Area and, as a result, the application is being made to allow for the proposed sign. The definition for a Billboard Sign, as defined in Section 3.5, means a sign which advertises goods, products, services or facilities that are not available at the location of the sign, and/or which directs a person to a location different from that where the sign is located. The location of the proposed sign is illustrated on Appendix "A", and the type and design of the sign being proposed is illustrated on Appendix "B".

Under Section 13.1 of the former Town of Flamborough Sign By-law, the owner, or their agent responsible for a proposed sign who cannot comply with the requirements of the By-law, may apply to Council for a variance. Section 13.3 states that "Council shall hear all applications and may authorize minor variances from the provisions and regulations of this By-law, provided that the general intent and purpose of this By-law shall be maintained."

ANALYSIS OF ALTERNATIVES:

N/A.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

**SUBJECT: Sign Variance Application SV-02-02 for Part Lot 30, Concession 1,
(Former Town of Flamborough) (PD02238) (Ward 14) - Page 3 of 3**

POLICIES AFFECTING PROPOSAL:

By-law 97-67-S (Former Town of Flamborough Sign By-law).

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

The Planning and Development Department, Building and Licensing Division, has advised that the proposal does not comply with the Sign By-law No. 97-67-S.

COMMENTS:

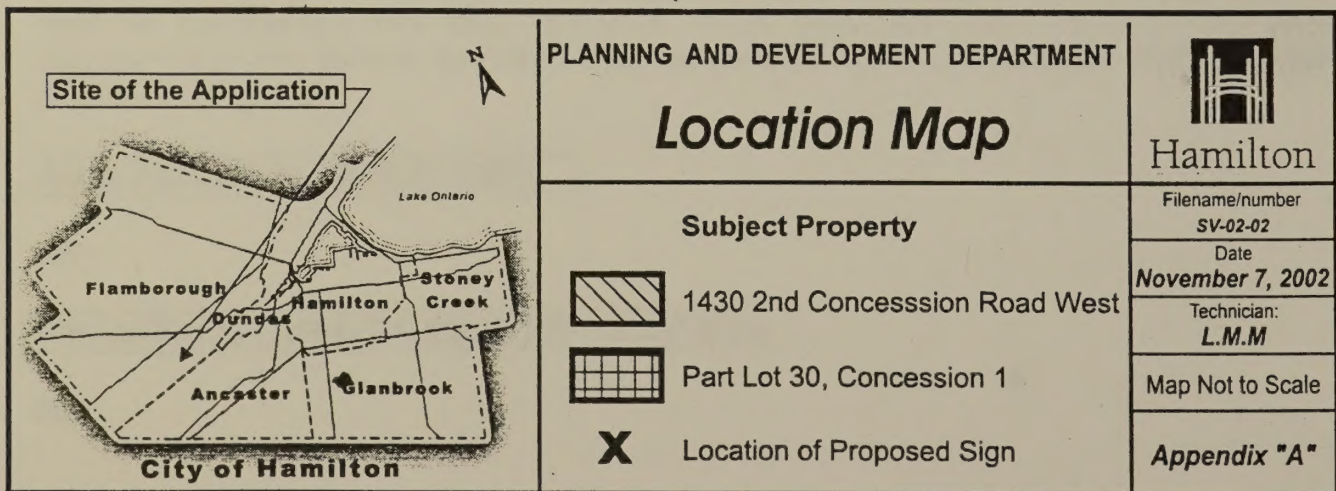
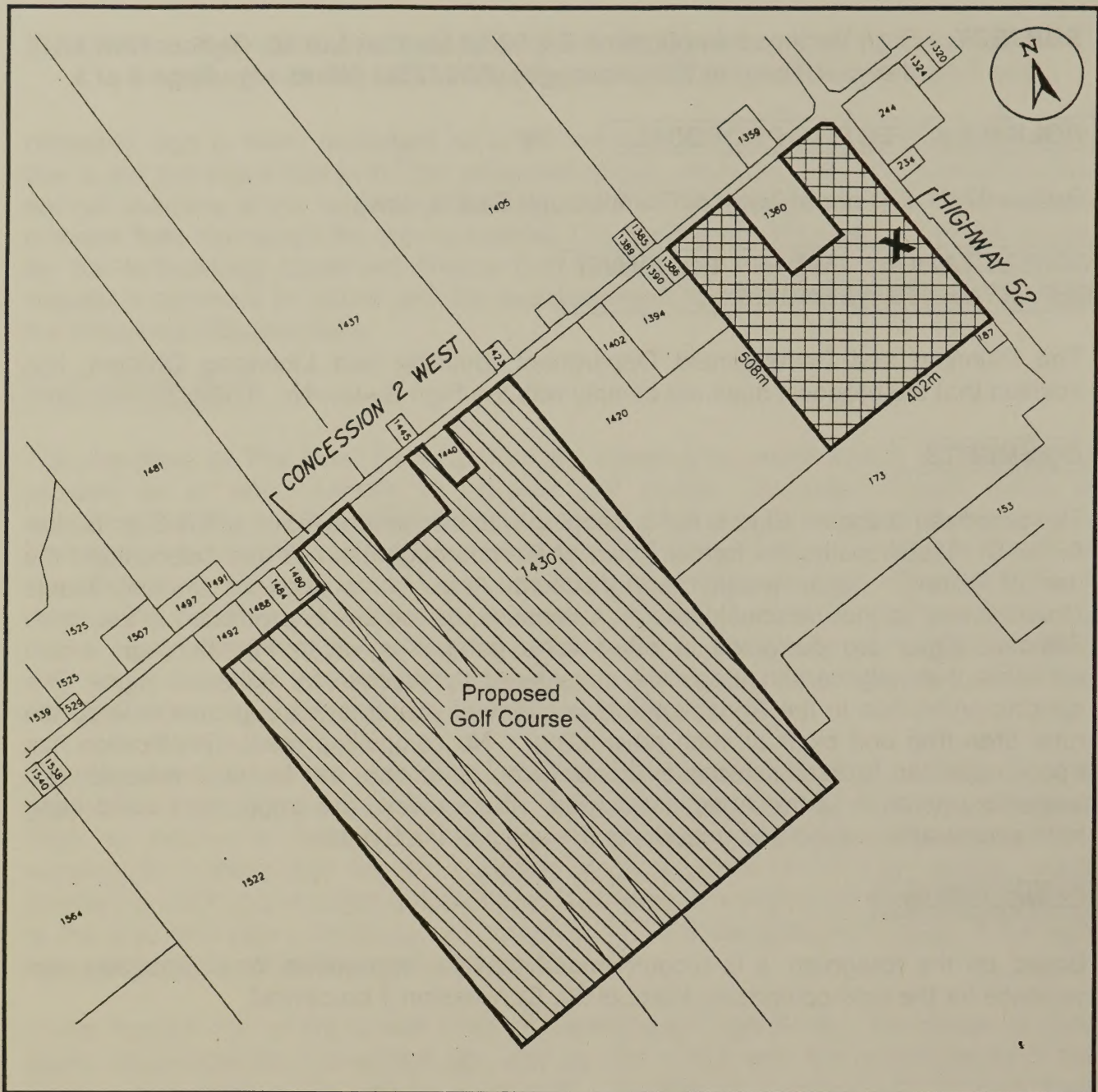
The proposed Billboard Sign is not in keeping with the general intent of the Sign By-law 97-67-S. Traditionally, the former Town of Flamborough Council has discouraged the use of Billboard Signs within the Agricultural Area. It is seen as an undesirable structure and cannot be considered as a variance, as the use is prohibited in the zone. Billboard signs are permitted in other zone categories within Flamborough, which indicates that only certain areas are considered appropriate for Billboard Signs. The specific prohibition in the Agricultural Area indicates that it is the objective to keep the rural area free and clear of such advertising. No compelling reason/justification has been presented to establish this Billboard Sign, other than the fact it is advertising a business operation in the Agricultural Area. If approved, this application could bring forth similar applications and undermine the intent of the By-law.

CONCLUSION:

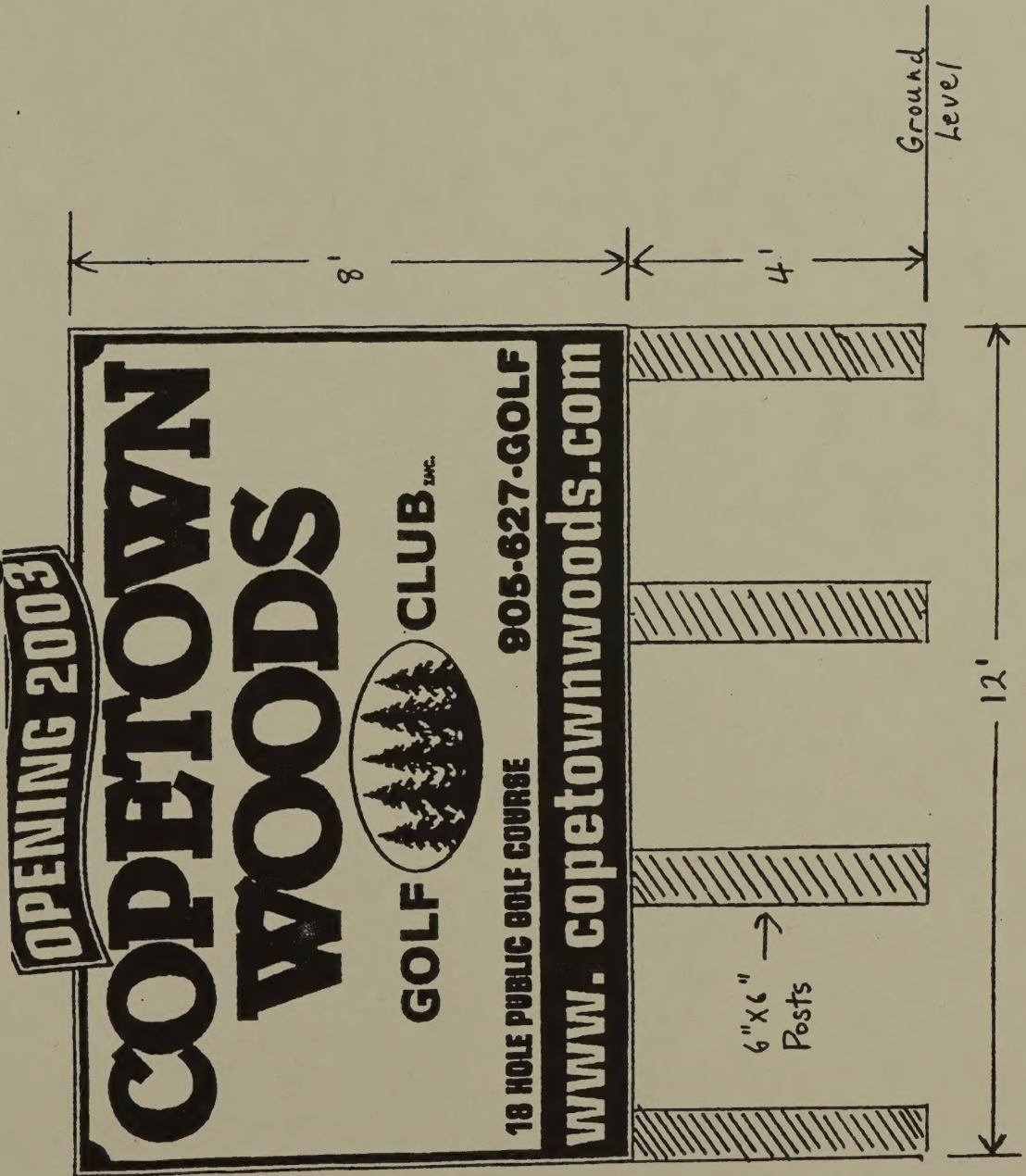
Based on the foregoing, it is recommended that the application for a proposed sign variance for the land comprising Part Lot 30, Concession 1 be denied.

:SW
Attachs. (2)

Appendix "A" to Report PD02238



Appendix "B" to Report PD02238



CITY OF HAMILTON

13.1

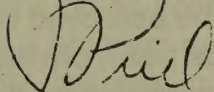
SOCIAL AND PUBLIC HEALTH SERVICES
Program Policy & Planning

Report to: Mayor and Members Committee of the Whole	Submitted by: Joe-Anne Priel, General Manager
Date: November 19, 2002	Prepared by: Carmen Bian ext. 2187 Linda Follows ext. 6304 Kate Feightner ext. 3835

SUBJECT: Bus pass subsidy program for individuals on Ontario Disability Support Program (O.D.S.P.) (SPH02030) (City Wide)

RECOMMENDATION:

That report SPH02030 be submitted to the Affordability and Accessibility Issues Task Force for review.



Joe-Anne Priel, General Manager
Social & Public Health Services

EXECUTIVE SUMMARY:

This report addresses a request from Committee of the Whole on September 10, 2002 (Report 02-034 now item HH on the list of Outstanding Business) for staff from the Social & Public Health Services Department to examine the feasibility of a subsidy program, equal to the current discount available for seniors, for bus passes for individuals on Ontario Disability Support Program benefits in need of affordable public transit but deemed ineligible for the Provincial medical transportation benefit.

The Ontario Disability Support Program (O.D.S.P.) provides financial assistance to individuals who have a significant physical or mental disability. Part of the range of benefits offered to O.D.S.P. clients is financial assistance with medical transportation needs when those costs exceed \$15.00 per month. Not all O.D.S.P. clients qualify for this Provincial benefit. Staff from the Social & Public Health Services Department were asked to bring a report back to the Committee of the Whole exploring the possibility of providing a subsidy program, equal to the current discount available for seniors, for bus passes for individuals on O.D.S.P. currently not eligible for the Provincial medical transportation benefit.

Additional statistical and legislative data is needed from Provincial representatives in order to confirm whether or not such a subsidy program would be eligible for cost sharing (80/20) with the Province. The total cost of the subsidy program with 100% municipal funding is estimated to be \$3,983,254 annually. These costs are strictly for the benefit only and do not include program administration costs. As this report involves discussion of a subsidized rate, it is recommended that this report be forwarded to the newly established Affordability & Accessibility Issues Task Force for further review.

BACKGROUND:

The Ontario Disability Support Program (O.D.S.P.) provides financial assistance to people with disabilities who are over 18 years of age and have a substantial physical or mental impairment that is continuous or recurrent and is expected to last one year or more. The program is administered at the Provincial level by the Ministry of Community, Family and Children's Services. The caseload of O.D.S.P. clients for the City of Hamilton as of September 30, 2002 was 15,162 adults plus 4,402 spouses and dependant adults for a combined total of 19,564 benefit units.

Assistance with the cost of medical transportation is an additional Provincial benefit that O.D.S.P. clients may be eligible to receive as part of the Provincially administered Mandatory Special Necessities Benefit. The benefit amount that can be approved is based upon the most economical mode of transportation (including bus pass, private car, taxi etc.) as indicated by the consulting health professional. To be eligible for this benefit, travel costs for medical appointments must exceed \$15.00 per month. At this point in time, the Ministry of Community, Family and Children's Services can not provide the Social & Public Health Services Department with the actual number of clients per month who receive the medical transportation benefit.

Since not all persons in receipt of O.D.S.P. qualify for the medical transportation benefit, Social and Public Health Services Department staff were asked to report back to Committee of the Whole on the feasibility of a bus pass subsidy program. This program would subsidize the purchase of bus passes for O.D.S.P. recipients who require financial assistance with medical transportation needs yet are deemed ineligible by the Province for the medical transportation benefit. The subsidy would mirror the current discount available for seniors.

In the past, the Hamilton Street Railway used to offer persons with disabilities the opportunity to purchase bus tickets and monthly passes at a reduced rate. The "Group A" bus pass introduced in 1983 was eliminated as part of the 1992 budget process. Concession fares are now only offered to students and seniors.

Currently, all adults pay \$61 per month for a bus pass totalling \$732 per year. Hamilton Street Railway offers seniors the option of purchasing an "annual" bus pass. The senior pays \$185 per year for the pass, and the remaining \$547 is subsidized by the City in the Transit (Hamilton Street Railway) budget.

In addition, Social & Public Health Services also provides bus passes to residents of residential care facilities. In September 2002, approximately 597 residents who received bus passes in residential care facilities were also O.D.S.P. clients.

It is important to note that under the current Ontario Works legislation, as it pertains to municipalities, O.D.S.P. recipients are not eligible to receive financial assistance for medical transportation (OW Dir.31-11). Items that fall outside those listed in the Ontario Works policy directives (such as, bus passes) must be approved for provincial cost sharing by the Director of Ontario Works Branch (Province) (OW Dir.31-10).

Financial assistance for non-medical transportation for O.D.S.P. clients is only accessible under Discretionary Benefits. Discretionary benefits are issued at the discretion of the Administrator (Municipal), on a case by case basis, with a financial cap of \$250.00 annually per client for all non-health related benefits (OW Dir.31-36). As a result, a bus pass subsidy program for individuals on O.D.S.P. benefits deemed ineligible by the Province for the medical transportation benefit would have to be 100% municipally funded.

The focus of this report, as requested, only deals with the development of a bus pass subsidy program for those ODSP clients who are deemed ineligible for the Provincial medical transportation benefit. Since such a subsidized program could only be explored under Ontario Works for non-medical transportation, the question of equitable access to such a program may be an issue to be considered by Council. In other words, O.D.S.P. clients currently in receipt of the Provincial medical transportation benefit might also require access to a transportation subsidy for non-medical transportation. As well, Ontario Works clients, who are our mandated target group, currently do not have access to assistance with transportation except under certain conditions (i.e., participating in a structured job search as part an employment program).

ANALYSIS:

The following chart summarizes the potential cost of offering a subsidized rate equivalent to the seniors' bus pass for O.D.S.P. clients ineligible for medical transportation. Given that the MCFCS can not identify the exact numbers of clients receiving the benefit, the chart makes the following assumptions:

1. That at least 50%¹ of the clients might already be in receipt of the O.D.S.P. medical transportation benefit through the Province
2. The client is expected to pay the \$185 per year as per the subsidy program for seniors who use the annual pass

¹ Since the Ministry of Community, Family and Children's Services were not able to provide any concrete numbers for either the actual number of current recipients of the Provincial medical transportation benefit or the number of clients who were deemed ineligible for the same benefit. An estimate of 50% is being used to capture the potential number who might require assistance from the municipal level with transportation. Without actual numbers from MCFCS, this provides a working estimate only.

3. That O.D.S.P. clients already receiving assistance with transportation as part of the residential care facility program would be ineligible for any further transportation subsidy.
4. That the program is not eligible for cost-sharing with the Province.

**ESTIMATED COSTS OF A SUBSIDIZED TRANSPORTATION BENEFIT FOR
O.D.S.P. CLIENTS – SOCIAL & PUBLIC HEALTH SERVICES**

O.D.S.P. CLIENTS	Potential TOTAL COST to the City (100% Municipal Funding) (\$547 ** Subsidy)
7,282*	\$3,983,254

*September 2002 caseload (15,162) excluding spouses and dependant adults minus the number of O.D.S.P. clients in residential care facilities September 2002 (597) = 14,565. Assuming 50% are in receipt of medical transportation benefit from the Province, total 7,282 used for this estimate.

** This amount represents the difference between the total cost of the annual seniors' bus (\$732) pass minus the co-payment of \$185 paid by the client similar to the seniors bus pass.

PROGRAM ELIGIBILITY:

If Council were to approve such a subsidy program, eligibility could be determined as follows:

1. The client must be eligible for the Ontario Disability Support Program
2. The client must show that they are not eligible for medical transportation under the Mandatory Special Necessities Benefit
3. The client must not be a current occupant of a residential care facility in the City of Hamilton

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Based upon the information available to date, it is estimated that developing a subsidy program for bus passes for individuals on O.D.S.P. benefits deemed ineligible by the Province for the medical transportation benefit could be, at a minimum, **\$3,983,254** annually. There is currently no capacity within the Department budget to accommodate the costs of this proposed subsidized rate.

There could also be an impact on staffing levels in both Social & Public Health Services and Hamilton Street Railway depending upon how the program is administered. Staffing impacts can be better determined if the proposed subsidy program is

recommended for implementation by Council and additional information is finalized with respect to: actual number of clients, method for determining eligibility, method of program delivery (ie. manual insertion of bus pass versus cheque), collection of co-payment, and program co-ordination with Transit (Hamilton Street Railway). Program administration would need to be co-ordinated with Transit (Hamilton Street Railway), particularly if this proposed subsidy program is to be administered similar to the current seniors bus pass.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

This report was prepared in consultation with staff from Community Programs, Benefit Eligibility and Employment and Social Support Services Branches (Social & Public Health Services Department) and Transit Division (Hamilton Street Railway, Transportation, Operations and Environment Department).

CITY STRATEGIC COMMITMENT:

A subsidy program for bus passes for individuals on O.D.S.P. will assist the City of Hamilton with its goal to be "A Great City in Which to Live". Specifically, the provision of this subsidy will "enhance quality of life" and "support people in need with care" in the City of Hamilton. Quality of life will be greatly enhanced for those in receipt of this subsidy by facilitating transportation to necessary medical appointments; thereby, improving their mental/physical health.

CITY OF HAMILTON

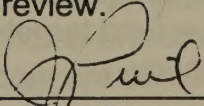
SOCIAL AND PUBLIC HEALTH SERVICES DEPARTMENT
Program Policy and Planning Division

Report to: Mayor & Members Committee of the Whole	Submitted by: Joe-Anne Priel, General Manager
Date: November 16, 2002	Prepared by: Angela Parle 540-5540 Jane Soldera 546-2399 Kate Feightner 546-3538

SUBJECT: The 2003 National Child Benefit Interim Strategy (SPH02016a) (City Wide)

RECOMMENDATION

- a) That the City of Hamilton's 2003 National Child Benefit proposed interim strategy be approved for the period January to June 2003.
- b) That the approved interim strategy be submitted to the Ministry of Community, Family and Children's Services as required, by the province.
- c) That staff be authorised to re-direct funds within the approved 2003 National Child Benefit interim strategy as expenditures and needs change, for the period January to June 2003.
- d) That the City of Hamilton approve the (proposed) approach to implement the 2003 National Child Benefit Community Consultation.
- e) That staff submit a Spring 2003 National Child Benefit Report to Council that includes:
- i) Recommendations for National Child Benefit reinvestments for the period July to December 2003,
 - ii) Outcomes of the community and staff consultation,
 - iii) Strategic National Child Benefit funding priorities for the City of Hamilton and a 2004 National Child Benefit action plan, based on all of the results of the review.



Joe-Anne Priel General Manager
Social & Public Health Services

EXECUTIVE SUMMARY

The National Child Benefit (NCB) Supplement is the increased portion of the Canada Child Tax Benefit. Ontario municipalities are required by the province to deduct the NCB supplement as unearned income from the benefits received by families on Ontario

Works. The federal government requires that the resulting savings in social assistance payments be reinvested in programs, benefits or services that meet NCB objectives to reduce the depth of child poverty and promote attachment to the workforce.

In June, Council approved the 2002 NCB strategy (SPH02016). Approximately \$4.1 million was allocated to the Social and Public Health Services Department (SPHSD) and local agencies for services targeted to families and children.

Current estimates indicate a \$240,000 NCB 2002 carryover. The Ministry of Community, Family and Children's Services estimates \$2.1 million in NCB savings reinvestments for 2003. Therefore there is an estimated \$2.3 million available for reinvestment in 2003.

The 2002 NCB strategy includes administrative costs for staff to manage, plan and co-ordinate several new work activities such as a thorough internal review of funding allocations and the implementation of a community wide NCB consultation.

Key components of the NCB review are in progress (Appendix A).

Proposed 2003 NCB Interim Strategy

The proposed strategy recommends continued program funding and access to NCB funds for the first two quarters of 2003 (January to June). Outcomes of the pending NCB review will impact community services. The proposed interim strategy provides a window of time for SPHSD and NCB funded community agencies to prepare for possible funding changes.

Recommendations for the proposed 2003 NCB interim strategy are to:

- Allocate from the available 2002 carry-over and 2003 reinvestments, continued funding to existing programs and initiatives identified in the 2002 NCB Strategy approved by Council. Funding will cover the period January to June 2003. (Appendix B).
- Allocate from the available 2002 carry-over and 2003 reinvestments a new \$50,000 one-time initiative fund targeted to providing urgent, short-term supports to Ontario Works (OW) participants. Funding will cover the period January to June 2003. Funding criteria will meet NCB objectives to reduce the depth of child poverty and promote attachment to the workforce.
- Implement a community wide communication plan that describes the NCB review, and the proposed interim strategy. The communication plan will include an application process for accessing the \$50,000 one-time initiative fund targeted to providing supports to OW participants while the review is underway.

Proposed Approach to the Consultation

A comprehensive review of the NCB includes consultation with city councillors, staff, service providers and families in Hamilton representing several service sectors (e.g. housing, education, employment, health, and utilities).

The consultation process will facilitate the identification of community funding priorities.

Some NCB funded programs such as Learning Earning and Parenting are provincially mandated. Other programs may not be mandated but considered to be a funding priority for Hamilton's diverse population.

The consultation will be inclusive of and accessible to Hamilton's diverse community. A task group with representatives from the community will be formed to guide the review.

Given the broad scope of the review and consultation, it is proposed that a final report to Council be submitted in the spring of 2003. The final report will lead to administrative efficiencies, improved access to NCB funds and strategic reinvestments of NCB savings that strengthen and support the City's recently approved social development strategy.

BACKGROUND:

Since 1998, NCB funds have been allocated through a community grants process or reinvested through SPHSD as program enhancements (e.g. Car Seats and Injury Prevention Project, Family Resource Centre Co-ordination Project) or individual strategy supports (e.g. Community Health Bus). Many community programs and services rely on NCB to augment existing services or to sustain new or existing programs.

Key components of the community consultation include the development of an inclusive process for obtaining input and direction from families (including recipients of OW) and service providers, regarding:

- Improved access to NCB funds,
- Improved access to NCB programs,
- Identification of funding priorities, and service accountability.

Key components of the internal review include:

- Analysis of current practice
- Identification of protocols to improve efficiencies and accountability
- Development of evaluation tools
- Identification of funding priorities that are in alignment with the City's strategic commitments.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The review may have significant impact on the sustainability of both SPHSD and community programs, that have historically been funded by NCB.

NCB funds for staff were included in the 2002 NCB strategy approved by Council in June 2002. The proposed NCB interim strategy will allow for project staff to continue to monitor and co-ordinate all aspects of NCB review activities and to ensure that all project goals are achieved.

ANALYSIS OF ALTERNATIVES:

Municipalities must develop reinvestment strategies that meet local needs and priorities as well as NCB objectives. The proposed approach to the 2003 interim strategy and community consultation ensures that venue(s) for allocating 2003 NCB funds are in place for OW participants. At the same time the proposed approach supports the

"change process" and the potential impact of funding recommendations from the NCB review.

POLICIES AFFECTING PROPOSAL

The federal government indicated in the October 2002 Throne Speech that there would be increased NCB funding. It is expected that by February 2003 additional budget details will be disclosed to the provinces.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

A number of agencies have expressed a strong desire to participate in the proposed community NCB consultation. Generally there are concerns that the public needs to be better informed about federal, provincial NCB policies that effect local government allocation options.

Service provider agencies have indicated that a transparent process for accessing NCB dollars at the community level is required.

Many agencies have become reliant on NCB dollars to sustain their community programs and services. As the review and associated recommendations for funding become known, programs that have historically been funded through NCB may no longer fit with funding priorities.

CITY STRATEGIC COMMITMENT:

NCB funds are considerable and represent a significant resource that is directed to the reduction of child poverty and the provision of employment supports to parents. The approach to disbursement and management of funds requires collaboration and the development of new partnerships with a broad scope of service providers, child advocates and the public.

NCB programs need to be considered as part a co-ordinated service system that supports and strengthens the city's goal to provide quality community services. NCB funding is an investment in people. The proposed approach to NCB planning is aligned with the City's social development strategy and the proposed children's agenda. Sound NCB planning supports Hamilton's vision for building a new city for all of its citizens.

Appendix A (SPH02016a) - Social and Public Health Services Department Program Policy and Planning Division: National Child Benefit Review

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Appendix B (SPH02016a) **City of Hamilton** **2002 National Child Benefit Reinvestment Strategy**

Type: Continuing, New, One-Time	Name	Proposed Lead Agency	Description	Funding for 2002
Continuing	Learning Earning and Parenting (LEAP)	SPHSD	Learning, Earning and Parenting is a Provincial initiative to provide child care subsidies and other supports to help young single parents on social assistance finish high school. This program which originally began in 1999, had its first full year of operation in 2000. This program is cost shared with the Province of Ontario on an 80%/20% basis. The NCB funding accounts for the City's 20% share.	\$390,000
Continuing	Employment Strategies	Various - see description	Employment support programs for youth and/or sole support parents with children have been vital to promoting attachment to the workforce. In the City of Hamilton, reinvestment of NCB savings will be directed to supporting initiatives including Employment Related Expenses. Specifically, the following programs will be funded in 2002: • Women Without Borders (Catholic Family Services) • New Choices (Salvation Army) • Alcohol, Drug and Gambling Services (SPHSD) • YWCA Resource Room (YWCA)	\$251,379
Continuing	Emergency Child Care	SPHSD	The emergency child care program is for parents on social assistance in situations when children are ill and can not attend day care or school.	\$2,500
Continuing	Layettes	SPHSD	Layettes for new-born children of families on Ontario Works will be cost shared with the Province on an 80%/20% basis with the use of NCB savings.	\$20,000
Continuing	GROW Giving Recreational Opportunities for Wellness (formerly Youth Serving Agency (YSAN) Subsidized Recreation Program)	YMCA	The GROW Subsidized Recreation Program provides subsidized cultural/recreational experiences for children/youth whose parent(s) are in receipt of social assistance. Since 1999, the City has funded this highly successful program with NCB savings. As the families learn about the program from "word of mouth" and from programs and agencies in the community there is a growing waiting list of families. For 2002, the program has been expanded to address the waiting list, and to be inclusive of pre-school age children.	\$374,550

Type: Continuing, New, One-Time	Name	Proposed Lead Agency	Description	Funding for 2002
Continuing	National Child Benefit Reinvestment Grant Program	Various - see recipients attached in Appendix C	The NCB Reinvestment Grant Program was initiated to provide opportunities for community agencies to partner with the City to deliver programs that would fulfil the objectives of the NCB program. Based upon the demand for that program and the calibre of applicants, this program is included as part of the 2002 Strategy. The funding for grants is approximately 25% of the current year's savings, up from 10% in the previous year. A call for applications was sent out mid April, with a deadline date of April 30 th 2002. Applications were reviewed and evaluated by a staff review team in accordance with pre-determined rating criteria, including compliance with the NCB Objectives (to reduce the depth of child poverty and/or reattachment to the work force). The Review Team consisted of 6 staff from various divisions within SPHSD, namely, Program Policy and Planning, Employment and Social Supports, Community Programs, Lifestyles and Youth, and Parent and Child. Of the \$468,750 ear marked for the Grants, \$437,954 has been allotted. The remainder has been deferred to deal with applications/gaps as they are identified throughout the year.	\$468,750
Continuing	Family Resource Centre Coordination project (Enhanced Resource)	Community Resource Centres	Funding will enhance the unique role Family Resource Centres play in the continuum of services to children and families. To maximize the potential in this sector, this funding will be used to augment funding to Family Resource Centres in the City of Hamilton with a co-ordinator position to ensure equitable access at all Family Resource Centres. This project also enhances existing programs and allows for extended hours of service.	\$200,000
Continuing	Healthy Babies/Healthy Children	SPHSD	The Healthy Babies/Healthy Children program is recommended to strengthen the role of staff in offer to provide better outreach to support vulnerable families in the community and build community capacity. In partnership with the Family Resource Centre and the project co-ordinator, there is an increased access to public health nurses and home management staff for the community.	\$188,000
Continuing	Car Seats and Injury Prevention Resources (Enhanced Access Support)	SPHSD	This funding is recommended to address some of the barriers to parental participation in important community health, support, or parenting programs available through the Healthy Babies/Healthy Children Program and also addresses issues related to injury prevention for children. Under this program, parent(s) who may not be able to purchase a new infant/child car seat which complies with all federal safety standards will be able to receive this item including an educational program that will provide them information on proper usage of the infant/child car seats. Taxi vouchers may also be used when required to assist parent(s) with transportation issues when accessing important programs in the community. To facilitate the healthy growth and development of children, breastfeeding clinics will be held at Family Resources through out the City of Hamilton. Other injury prevention items such as bike helmets for children and other safety items such as window latches, safety gates, etc. will also be considered.	\$275,000

Type Continuing, New, One-time	Name	Proposed Lead Agency	Description	Funding for 2002
Continuing	Temporary Care Worker	SPHSD	There are approximately 250 temporary care cases (formerly called foster care) on Ontario Works. A temporary care worker would conduct home visits with families who have a temporary care child in their care and conduct basic needs assessments to facilitate access to all required community supports.	\$38,400
Continuing	Community Health Bus	SPHSD	This program will provide health and preventative dental care and treatment to children, youth and their families who face barriers to receiving these services within the downtown core. A 1985 Hamilton Street Railway transit bus has been retrofitted to deliver these services as well as provide mobile access to information on employment and other health related services.	\$186,900
Continuing	Early Years Challenge Fund	SPHSD	The Province of Ontario's Early Years Challenge Fund (developed in response to recommendations from the Early Years Study) will provide communities with funding to implement Local Action Plans aimed at providing all young children and their families with access to early child development and parenting programs in their neighbourhoods. Provincial funds will match local contributions from local communities, business, and charitable and voluntary sectors.	\$200,000
Continuing/ One-time for 2002	Child Care Unmet Needs	SPHSD	Unmet needs were identified in the Child Care Service Management Plan. In particular, one-time expenditures for health and safety needs and for accessibility for diverse cultural groups could be accommodated with these funds. Some examples of items that might be funded include playground equipment replacement and the purchase of program materials.	\$578,021
New	Women Alive	YWCA	This is an affordable physical activity program for women on limited incomes. Designed to provide aerobics, aquafit, transportation, child minding, health information, and social interaction for low-income women. The objective would be to increase physical health, and self esteem with the goal of reduced health costs and potential for greater self-sufficiency.	\$16,700
New	Nutritious Food Basket OW Top Up	SPHSD	This program increases the special diet amount for lactating Ontario Works participants to meet the associated increased nutritional costs, based on the 2001 Nutritious Food Basket. The report, Nutritious Food Basket - SPH01022(a) Special Diet Supplement for Lactating Ontario Works Participants, was approved by Council on February 27 th , 2002.	\$10,000

Type: Continuing, New, One-Time	Name	Proposed Lead Agency	Description	Funding for 2002
New	Pediculosis Project	SPHSD	This program, ideally including both the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic District School Board schools, will be restricted to 5-8 of the lowest income/highest pediculosis incidence schools. This strategy will offer twice-weekly head lice clinics, pediculosis education, demonstration of treatment, and discounted pediculocide shampoo and pediculosis combs.	\$60,450
New	Emergency Shelter/Utility Fund	Community Agency	It is recommended that a shelter fund be established to meet the needs of families with children and youth that are homeless, or at risk of becoming homeless. A co-ordinated effort to issue funds for heat, hydro, and emergency rent for families/youth at risk of becoming homeless, or to help re-establish housing in the community will begin in 2002. This process and partnering with community agencies will be developed throughout 2002, and continue into the strategic planning of the overall 2003 Strategy.	\$500,000
New	Administration Costs	SPHSD	The Ministry of Community, Family and Children's Services acknowledges an administrative component to develop and manage the Reinvestment Strategy. The City of Hamilton in the past has not utilized this resource, but as the strategy has evolved, existing staff can no longer absorb the workload of ensuring accountability of the strategies, and the Ministry reporting requirements. Administration funding costs will be used to fund staff positions to monitor and administer the 2002 strategy, as well as implementing the review and planning process for 2003.	\$64,000
New	Heat Alert Initiative	SPHSD	Outreach staff from the Mental Health/Outreach Team assist individuals (youth, families) on the streets to access shelter during both cold and heat alerts. The Outreach staff are the only service providers on the streets in the City. On a daily basis Outreach staff connect with children, youth, and families living in poverty through their work on the streets and in the shelters. Staff visit parks and known locations where homeless individuals may stay (children, youth, adults and families) but there are no operating costs to provide hats, water, sunscreen or fans to families in a heat alert. The Health Bus will also raise public awareness and provide information to individuals and families about the danger of Heat Alerts. The bus currently reaches marginalized populations who often face financial limitations to meeting health needs. This funding would raise community awareness about the dangers of heat alerts and promote appropriate actions to decrease the effects of such alerts and provide them with tangible items that assist in reducing risk. Access to sunscreen, water bottles, and juice would provide the opportunity for staff working on the bus to teach clients the necessary precautions individuals and families need to take during a heat alert. These items will be distributed at current sites. As well, our funding partner, Hamilton "AM" Rotary has committed to voluntarily staff the bus during downtown community events where these items could be distributed over the summer months.	\$14,500

Type: Continuing, New, One-Time	Name	Proposed Lead Agency	Description	Funding for 2002
New	Homeless Youth - Basic Needs	SPHSD	Outreach staff of the Mental Health/Outreach Team interact with homeless youth on the streets on a daily basis. Within the Outreach Team are designated Family and Youth Workers. Socks, new underwear and feminine hygiene products are not usually available at the free clothing store or at the youth shelter.	\$2,100
New/One-Time for 2002	Youth Troupe - Homeless	SPHSD and Housing Help Centre	Youth Theatre Troupe will be established in Hamilton using homeless youth and youth living in poverty as the performers. A few productions have been developed through the combined effort of the Mental Health/Outreach Team and Housing Help Centre. Housing Help Centre has staff with a drama background and the Outreach Team have staff that work specifically with youth that are homeless and/or living in poverty. Theatre techniques will be used to provide homeless youth with an opportunity to express their feelings, learn new skills and eventually earn a small income from their efforts. The outcome would be that the program is self-sustaining. The productions would educate other youth, and staff from social and health services about the impact of homelessness and poverty on youth and the family.	\$8,750
Continuing	Carry-over	SPHSD	The Ministry of Community, Family and Children's Services allows for a 10% carry-over of current years' funding to address any variances in the amount of the reinvestments saving. Therefore, \$250,000 is set aside to fluctuations in the reinvestments savings and expenditures.	\$250,000
TOTAL				\$4,100,000

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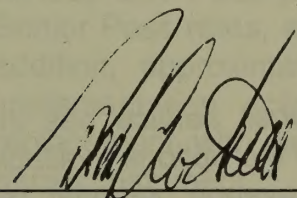
TRANSPORTATION, OPERATIONS & ENVIRONMENT
Transit Division

Report to:	Mayor and Members Committee of the Whole	Submitted by:	Peter Crockett, P.Eng. General Manager
Date:	November 21, 2002	Prepared by:	Don Hull 905-679-7301 Paul Thompson 905-679-7304

SUBJECT: Consideration of a 2003 Transit Fare Increase (TOE02218) - (City Wide)

RECOMMENDATION:

That the General Manager, Transportation, Operations & Environment be authorized and directed to implement a Transit fare increase, effective February 1, 2003, as described as Option 1 in Table 1 of this report. That the fare increase include a \$0.10 per trip increase in cash and ticket fares; a \$4 per month increase in monthly passes or equivalent programs (average \$0.07 per trip); and a \$0.05 per trip (\$20 annual) increase in the Senior Annual Bus Pass program.



Peter M. Crockett, P.Eng., General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Implementation of the Staff recommendation will generate an estimated \$943,000 per year increase in Fare revenue while resulting in an estimated reduction of 355,000 Transit trips.

The recommended fare increase option, described as Option 1 in Table 1 of this report, represents a \$0.10 per trip increase in cash and ticket fares; a \$4 per month increase in monthly passes or equivalent programs (average \$0.07 per trip); and a \$0.05 per trip (\$20 annual) increase in the Senior Annual Bus Pass program. Fare increases reduce the reliance on the tax levy to fund transit by shifting more of the cost to the user. Fare increases also result in a ridership decline.

SUBJECT: Consideration of a 2003 Transit Fare Increase (TOE02218) - (City Wide) - Page 2 of 6

Hamilton's overall average fare of \$1.23 is comparatively low against its' peer group average throughout Canada at \$1.32, as a result of the "deep discount" policy introduced in the 1990's as an incentive to get more riders onto the system. The recommended increase achieves the desired revenue impact by targeting the high revenue per trip ridership associated with cash and ticket use, while passing along a more modest increase to pass users, who make over 50% of all current trips but at a lower rate per trip.

BACKGROUND:

Transit fares were last increased on September 1, 2001, as part of the 2001 overall City budget process. The increase implemented at that time was \$0.05 per trip on all but the basic cash fare, which remained at the level of \$2.00, set in 1998. Historical experience throughout the Transit industry has proven that fare increases have a measurable and predictable downward affect on ridership levels. Transit staff apply a widely accepted set of criteria to predict impacts on ridership and revenues arising from a fare increase. . A key indicator of performance of forecast to actual experience is how closely actual revenues compare to budgeted revenues in the first full year of implementation. In 2002, revenue performance is at 99.8% actual to budget for YTD August 31, our most current financial statement.

The recommended increase in this report generally consistent with the fares charged by similar or larger transit properties in the GTA; current fares are demonstrated in Table 2 of this report.

Mississauga is implementing a January fare increase of \$0.10 per trip on all fares other than cash, which will remain at \$2.25. TTC is implementing an increase of \$0.10 per trip on all Adult fares other than cash, which will remain at \$2.25, and a \$0.05 increase on Senior and Student tickets.

ANALYSIS OF ALTERNATIVES:

Research demonstrates that fare increases as an aspect of transit service has the greatest influence on passenger trips. As such, the assessment of the options available included an evaluation of the implications not only on increased revenue potential, but also lost ridership and changes to the Revenue/Cost ratio.

Option 1, represents the best compromise of generating necessary revenue to offset increasing costs while providing the greatest mitigation of ridership loss, within the listed options. This option falls short of narrowing the gap between full fares and discounted fares to the extent desired by staff to prepare for the transition from conventional fare media to Smart Card technology. There is a positive revenue impact of \$943,000 associated this fare increase option along with an estimated negative annual ridership impact of 355,000.

Option 2, representing a \$0.05 "across the board" increase is a viable if somewhat weak option for raising revenue. This option has a revenue impact of \$604,000 and a ridership impact of (184,000).

Option 3, representing a \$.10 increase in all categories except cash, is not as strong as the recommended option, as it raises less revenue at the expense of more ridership. There are two significant drawbacks to this option, these being:

SUBJECT: Consideration of a 2003 Transit Fare Increase (TOE02218) - (City Wide) - Page 3 of 6

- a larger increase on the Senior Annual Bus Pass (\$0.10 per trip, or \$40 per year); and
- a larger increase to the Post-Secondary pass programs than may be acceptable to McMaster and Redeemer students, this being cause for potential invocation of an opt-out under the agreements with the City. The loss of ridership in this case may be very significant (500,000 or more trips), although revenues collected at a higher per trip rate might lead to about a neutral net revenue impact. Less use of Transit by McMaster students would have other community impacts such as traffic and parking pressures in and around the campus.
- This option has a revenue impact of \$914,000 and a ridership impact of (400,000).

Option 4, representing a \$0.25 cash fare, and \$0.10 increase to all other categories, has the same drawbacks as option 3, although it does raise significantly more revenue at the expense of a greater loss of ridership. Increasing the cash fare at a significantly higher rate than the ticket fare will generate a shift of passengers from cash to tickets, thus lessening the expected revenues generated by a cash increase of \$0.25. This option has a revenue impact of \$1,293,000 and a ridership impact of (568,000).

Council may elect not to implement a fare increase. The impact of this decision will maintain (or possibly enhance) current ridership levels but, eliminate the potential for a revenue increase of \$943,000 on the Transit budget

Council may elect to defer consideration of a fare increase for consideration in context with the overall budget process. The impact of this option is to delay the annualization of the revenue increases and as such, the direct impact on 2003 revenues will be reduced.

Critical approval timeframes include notification period requirements embedded in various Bus Pass programs including by February 28 for a May implementation for Senior Pass rates, and Universities by February 28 for a September fare increase. In addition, approximately two months lead time is required to complete necessary implementation activities that include depletion of current fare media inventory, replacement with new inventory and provision of appropriate notice to the broader transit customers.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There is a positive net levy implication to acceptance of the recommendations.

There are no staffing implications associated with the recommendations.

There are no legal implications associated with the recommendations.

POLICIES AFFECTING PROPOSAL:

The recommendation contained in this report is both complementary and contradictory with different aspects of the Official Plan and Vision 2020. Vision 2020 advocates the balance of economic, environmental and social sustainability, the three legged stool. The recommendation within this report strongly supports the financial sustainability aspects of Vision 2020. On the contrary, the Official Plan and Vision 2020 advocate raising transit ridership to 100 trips per capita and increasing the reliance on the tax

base to support public transit in support of the social and environmental objectives of the two plans. Overall, staff believe that the recommendation strikes the balance between economic, environmental and social necessary for community sustainability. In addition, the annual Customer Satisfaction survey undertaken by HSR staff indicates a user tolerance for fare increases that are in line with reasonable cost of living increases at constant service levels.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Transportation, Operations & Environment and Finance & Corporate Services staff were involved in the preparation of the report.

CITY STRATEGIC COMMITMENT:

The recommendation most closely supports City Goals #2; A Great City to Live In, by providing a continued quality Transit service at a cost that remains affordable to the user and Goal #5; and A City That Spends Wisely and Invests Strategically, by maintaining Transit service levels which support the employment, education and social pursuits of its' citizens.

Table 1 - 2003 Fare Increase Options

	Current	Option #1 <u>Recommended</u>	Option #2	Option #3	Option #4
Cash					
All	\$2.00	\$2.10	\$2.05	\$2.00	\$2.25
Tickets					
Adult	\$1.55	\$1.65	\$1.60	\$1.65	\$1.65
Elementary/Secondary	\$1.20	\$1.30	\$1.25	\$1.30	\$1.30
Passes: Monthly					
Adult	\$61.00	\$65.00	\$64.00	\$67.00	\$67.00
Elementary/Secondary	\$46.00	\$50.00	\$49.00	\$52.00	\$52.00
Day Pass	\$6.00	\$7.00	\$6.50	\$7.00	\$7.00
Passes: Term					
Senior Annual (12 month)	\$185.00	\$205.00	\$205.00	\$225.00	\$225.00
Post-Secondary (8 month or equivalent)	\$61.00	\$65.00	\$64.00	\$67.00	\$67.00
Employer Commuter Pass	\$60.00	\$64.00	\$63.00	\$66.00	\$66.00
School Hour Only (HWDSB - 5 month)	\$185.00	\$205.00	\$200.00	\$225.00	\$225.00
Columbia College (12 Month or equivalent)	\$435.00	\$475.00	\$465.00	\$490.00	\$490.00
School Plus Pass (5 month or equivalent)	\$75.00	\$80.00	\$80.00	\$85.00	\$85.00
Net Revenue - 000's	-	\$943	\$604	\$914	\$1,293
Lost Trips - 000's	-	(355)	(184)	(400)	(568)
Option #1:	\$.10 per trip - cash and tickets; \$4 - monthly passes or equivalent programs; \$.05 per trip - Senior Annual.				
Option #2:	\$.05 per trip - all categories.				
Option #3:	No change to cash fare; \$.10 per trip - all other categories. <u>Does not reflect potential ridership/revenue impacts of post-secondary opt-out.</u>				
Option #4:	\$.25 per trip - cash fare; \$.10 per trip - all other categories. <u>Does not reflect potential ridership/revenue impacts of post-secondary opt-out.</u>				

Table 2

FARES FOR LOCAL TRANSIT PROPERTIES

As of: November 2002		Hamilton	TTC	Brampton	Mississauga	York	Recommendation
Adult	Cash	2.00	2.25	2.25	2.25	2.00	2.10
	Bulk Discount Fare - Tickets ¹	1.55	1.80	1.85	1.70	1.70	1.65
	Weekly Pass	—	—	20.00	18.00	—	—
	Monthly Pass	61.00	93.50	—	—	68.00	65.00
	Day Pass	6.00	7.50	—	—	—	7.00
Senior	Cash	2.00	1.50	2.25	2.25	1.25	2.10
	Bulk Discount Fare - Tickets ¹	1.55	1.20	1.25	1.05	1.10	1.65
	Weekly Pass	—	—	13.00	—	—	—
	Monthly Pass	61.00	80.00	—	—	33.00	65.00
	Annual Pass	185.00	—	—	140.00	—	205.00
Student	Semr-Annual Pass	—	—	—	80.00	—	—
	Cash	2.00	1.50	2.25	2.25	1.50	2.10
	Bulk Discount Fare - Tickets ¹	1.20	1.20	1.70	1.55	1.30	1.30
	Weekly Pass	—	—	18.50	16.50	—	—
	Monthly Pass	46.00	80.00	—	—	52.00	\$50.00
Child	Cash	2.00	0.50	2.25	2.25	1.00	\$2.10
	Bulk Discount Fare - Tickets ¹	1.20	0.40	1.70	1.05	1.00	\$1.30
	Weekly Pass	—	—	18.50	—	—	—
	Monthly Pass	46.00	—	—	—	—	\$50.00
Post-Secondary ²		Academic Year or equivalent	61.00	—	—	—	65.00

¹ Based on bulk fare purchases of 12 rides or less, depending on the transit property.

CITY OF HAMILTON

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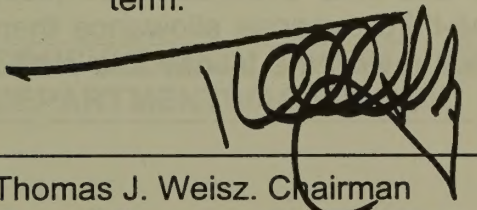
Councillors' Remuneration and Expense Review Committee

Report to: Mayor and Members Committee of the Whole	Submitted by: Thomas J. Weisz Chairman
Date: October 30, 2002	Prepared by: Barbara Howe 905-540-5599

SUBJECT: Councillor Remuneration - One-Third Expense Allowance (City Wide)
(FCS02139)

RECOMMENDATION:

- a) That Appendix A, "Survey of Tax Treatment of Remuneration for Elected Officials" and Appendix B, "Comparison of Various Remuneration Methods", be received;
- b) That the 1/3 tax free portion of the remuneration of Members of Council be maintained and that Council enact the required by-law as per Appendix 'C' attached to Report FCS02139;
- c) That each subsequent Council review this by-law, once during its three-year term.



Thomas J. Weisz, Chairman
Council Remuneration and Expense Review Committee

EXECUTIVE SUMMARY:

The Council Remuneration and Expense Review Committee was established to determine base compensation, annual indexing, one-third expense allowance as well as to conduct a review of the size and adequacy of councillor office budgets. A consultant from the firm Gazda, Houlne and Associates Inc was retained to provide a study of remuneration and expenses provided to council members of municipalities in the comparator group. Based on the results of this survey and the options presented by staff and attached hereto as Appendix B, the committee recommended maintaining the one-third expense allowance at its October 23, 2002 meeting.

BACKGROUND:

Under current tax legislation one third of a councillors' total remuneration can be excluded from income. Total remuneration consists of:

- a) salaries and honorariums
- b) general expense allowance
- c) mileage or other travel allowance

Provided that reimbursement for (b) and (c) are not of a non-accountable nature then these reimbursements can be excluded in determining the maximum one-third expense allowance.

Currently, the Mayor and Council members are receiving one-third of their remuneration as non-taxable as provided by federal legislation and non-pensionable for the purpose of OMERS benefits. On December 11, 2001 the new Municipal Act was passed by the Ontario Legislature. In order to provide flexibility to local municipalities the new Act makes the deemed one-third expense allowance for council and local board members optional. As of January 1, 2003 it will no longer apply unless council passes a resolution prior to January 1, 2003 to maintain it. If a resolution is not enacted then all of the remuneration will become taxable under the federal income tax rules as well as pensionable for OMERS.

There are no provisions in the new Act to provide elected officials, on an individual basis, the choice of fully taxable or one-third exempt remuneration. Nor are there provisions for subsequent councils to reinstate the one-third expense allowance. However, if a resolution is passed to continue the one-third expense allowance then subsection 283 (7) requires that each subsequent council review the by-law at a public hearing at least once in its three-year term.

ANALYSIS OF ALTERNATIVES:

The costing for the following alternative options outlined in Appendix B was reviewed:

Option 2: Current Remuneration - Fully Taxable

This option would require no action, thereby converting the former one-third exempt portion as taxable under federal tax legislation and pensionable under the OMERS act. This alternative would result in an annual net after tax loss in remuneration for a councillor (mayor) of \$6,345 (\$16,177) due to the increase in taxes withheld and required OMERS contribution on the previously one-third tax free component. For a newly appointed councillor (mayor), the gain in annual pension per year of credited service would be \$308 (\$683) and therefore the payback would occur after 20.6 (23.67) years of pension benefits.

**SUBJECT: Council Remuneration – One-Third Expense Allowance
(City Wide) (FCS02139) – Page 3 of 5**

This option would also increase the base budget by \$30,684 due to the increase in employer health tax and required employer contribution to OMERS.

Option 3: Gross up Current Remuneration to Provide Same Net Pay – Fully Taxable

This option would require that council take no action to enact a by-law and thereby make the former one-third portion taxable and pensionable. However to maintain the same level of net after-tax remuneration, council would have to approve an increase in remuneration of 19.56% for councillors and 31% for the mayor. This would result in a gain in annual pension, for each year of credited service for councillors (mayor) of \$508 (\$1,329), but increase the base budget by \$231,925. Since there is no net after-tax loss of income the payback would be immediate.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is recommended that the one-third expense allowance be maintained. This option would have no effect on the councillors' net after-tax remuneration and no effect on the base budget. Further the results of a survey conducted by the consultant and included in Appendix A, determined that this option is supported by the municipalities in the comparator group. The survey indicates that of the 12 municipalities surveyed all but the Region of Peel, Region of York and City of Burlington have either enacted the one-third expense allowance or plan on recommending this option.

POLICIES AFFECTING PROPOSAL:

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

CITY STRATEGIC COMMITMENT:

The City is committed to fair and equitable compensation practices for its employees and elected officials, recognizing the contributions that both make to the well being of the community.

Survey of Tax Treatment of Remuneration for Elected Officials

Municipality	Tax Treatment
City of Burlington	100% Taxable
City of Windsor	1/3 non-taxable
Regional Municipality of Halton	1/3 non-taxable
City of Brampton	1/3 non-taxable
City of Mississauga	1/3 non-taxable
City of London	1/3 non-taxable
Regional Municipality of Waterloo	1/3 non-taxable
Regional Municipality of Niagara	1/3 non-taxable
Regional Municipality of Durham	1/3 non-taxable
City of Ottawa	1/3 non-taxable
Regional Municipality of Peel	100% Taxable
Regional Municipality of York	100% Taxable

CITY OF HAMILTON

BY-LAW NO.

**BEING A BY-LAW UNDER SUBSECTION 255(2) OF THE MUNICIPAL ACT
RESPECTING CONTINUATION OF ONE-THIRD TAX FREE BENEFIT**

WHEREAS subsection 255 (1) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that one-third of the remuneration paid to the elected members of councils and their local boards shall be considered as expenses incident to the discharge of their duties as members of council or local board; and

WHEREAS subsection 255 (2) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that the provisions of subsection 255 (1) shall only continue to apply to members of council or its local boards after January 1, 2003 if the municipality passes a resolution before January 1, 2003 stating its intention that the provisions of subsection 255 (1) shall continue to apply to elected members of council and its local board; and

WHEREAS the Council of the City of Hamilton hereby deems it desirable to continue the provisions of subsection 255 (1) of the Municipal Act beyond January 1, 2003

NOW THEREFORE be it resolved that:

It is the intention of the Council of the City of Hamilton that the provision of subsection 255(1) continue to apply to the elected members of this council and its local boards on and after January 1, 2003.

This resolution shall come into force and take effect as of January 1, 2003.

PASSED and ENACTED this day of , 2002.

Mayor

City Clerk

SECTION 1. SHORT TITLE

SECTION 2. FINDINGS

SECTION 3. PURPOSE

SECTION 4. SCOPE

SECTION 5. DEFINITIONS

SECTION 6. AUTHORITY

SECTION 7. EFFECTIVE DATE

SECTION 8. SEVERABILITY



City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE

BUDGET

Friday, December 6, 2002

9:30 a.m.

Council Chambers
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.hamilton.on.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. BUDGET DISCUSSION

- 2.1 Report of the Affordability and Accessibility Issues Task Force Low-income Water and Wastewater Assistance Program (FCS02126/SPH02027) (City Wide)
- 2.2 Wastewater Abatement Program (FCS02125/TOE02201) (City Wide)

3. ADJOURNMENT

2.1

CITY OF HAMILTON

Affordability and Accessibility Issues Task Force

Report to: Mayor and Members
Committee of the Whole

Submitted by: Councillor Bill Kelly
Chair, Affordability and
Accessibility Issues Task
Force

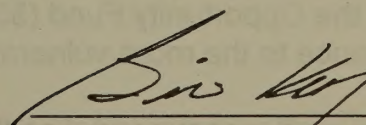
Date: November 21, 2002

Prepared by: M. Zegarac 546-2739
R. Rossini 546-4523

SUBJECT: Low-income Water and Wastewater Assistance Program
(FCS02126/SPH02027). (City Wide)

RECOMMENDATION:

- a) That a \$500,000 Water and Wastewater Assistance Fund be established in the Water and Wastewater Budget as an interim measure until a longer-term approach is developed in consultation with the Affordability and Accessibility Issues Task Force.
- b) That the Social and Public Health Service Department review the feasibility of allocating the Opportunity Fund of \$500,000, to such programs as the Community Start-Up Benefit program budget, as well as other outside agency initiatives, in an effort to leverage additional provincial funding or value added services. The Social and Public Health Service Department will report back to the Affordability and Accessibility Issues Task Force with respect to the results of their review.



Councillor Bill Kelly
Chair, Affordability and Accessibility Issues
Task Force

EXECUTIVE SUMMARY:

Affordable Water and Wastewater

A focus of the Affordability and Accessibility Issues Task Force (AAITF) is to reduce the impact of program or service fees as a barrier to accessing City of Hamilton programs, services or benefits. As water and other utilities increase rates to fund projects and programs necessary to meet regulatory requirements, growth needs, and replacement of aging infrastructure, there is an increasing issue of how affordable basic utility service is to ratepayers – particularly low-income residential customers.

One of the objectives of the AAITF is to determine the impact for residents of current fees on ability to access City programs, services and benefits. The AAITF recognizes that the City of Hamilton has a higher than average number of low-income households, and a lower than average number of above-average income households. Consequently, it is imperative that as the City of Hamilton moves towards funding a sustainable water and wastewater system, basic water and wastewater service must continue to be affordable to the more vulnerable residents of the City.

In the 2002 Rate Report (FCS02006/TOE02004), staff included a theoretical analysis on user pay systems, some examples of subsidy/lifeline programs and options for a subsidy program for the City of Hamilton. During the 2002 budget process, staff committed to review the need for a low-income water/wastewater subsidy program, under the assumption of the continued commitment to support the water/wastewater financing plan adopted in 2001.

The AAITF supports, as an interim measure, that a \$500,000 Water and Wastewater Assistance Fund, financed through the Rate Budget, be established to provide low-income ratepayers with a level of financial assistance to mitigate the impact of increasing water and wastewater rates.

The AAITF feels it is essential to continue to work with staff to develop a program that will provide a level of financial assistance that is equitable and efficient to all low-income residents.

Opportunity Fund

In August of 2002, the Hamilton Community Trust Panel submitted the "Creation of a Permanent Hamilton Future Fund" (FCS02107) for Council's approval. Within the list of options presented was the Opportunity Fund (\$500,000). The purpose of this fund is to provide financial assistance to the more vulnerable residents of our community.

The AAITF supports the staff recommendation that Social and Public Health Services Department examine the feasibility of allocating all or part of the Opportunity Fund of \$500,000, to SPHS programs such as Community Start-Up Benefit, as well as outside agencies, in an effort to leverage additional provincial funding or value added services.

BACKGROUND:

The Affordability and Accessibility Issues Task Force met on October 24, 2002 and November 11, 2002 to review the staff report and provide direction. The AAITF approved recommendations (a) and (d) of the staff report as it was presented. A lengthy discussion ensued with respect to how the Fund would be administered and the AAITF recommended that the sub-sections (b) and (c) of the report be referred back to the Affordability & Accessibility Issues Task Force for further consideration. A copy of the staff report is attached as Appendix A.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

N/A

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

N/A

CITY STRATEGIC COMMITMENT:

Adoption of the recommended program will assist in the achievement of several objectives of Vision 2020. The program addresses Personal Health and Well-being goals in that it will seek to provide financial assistance to the number of families living in poverty and will further the objective of developing a caring community that gives support and opportunity to it's members.

CITY OF HAMILTON

**FINANCE AND CORPORATE SERVICES
*Budgets and Fiscal Policy Services***

and

**SOCIAL AND PUBLIC HEALTH SERVICES
*Program Policy and Planning Division***

Report to:	Mayor and Members Committee of the Whole	Submitted by:	Joseph L. Rinaldo, General Manager Joe-Anne Priel, General Manager
Date:	November 11, 2002	Prepared by:	M. Zegarac 546-2739 S. Kelly 546-4868 T. Hewitson 546-4159 R. Rossini 546-4523

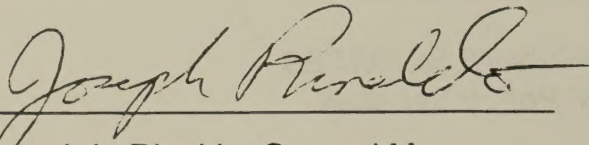
**SUBJECT: Low-income Water and Wastewater Assistance Program.
(FCS02126/SPH02027) (City Wide)**

RECOMMENDATION:

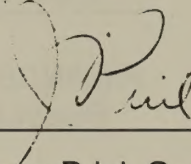
- a) That a \$500,000 Water and Wastewater Assistance Fund be established in the Water and Wastewater Budget as an interim measure until a longer-term approach is developed in consultation with the Affordability and Accessibility Issues Task Force.
- b) That the City of Hamilton provide assistance of up to \$35 per household in 2003 to eligible low-income ratepayers based on the results of a means test, who are in arrears with a water/wastewater utility payment.
- c) That the City of Hamilton provide assistance of up to \$35 per household in 2003 to eligible Ontario Works and Ontario Disability Support Program ratepayers who are in arrears with a water/wastewater utility payment, and in the case of Ontario Works participants, only when other provincial and municipal cost shared financial assistance programs have been utilized.
- d) That the Social and Public Health Service Department review the feasibility of allocating the Opportunity Fund of \$500,000, to such programs as the Community Start-Up Benefit program budget, as well as other outside agency initiatives, in an effort to

**SUBJECT: Low-income Water and Wastewater Assistance Program
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leverage additional provincial funding or value added services. The Social and Public Health Service Department will report back to the Affordability and Accessibility Issues Task Force with respect to the results of their review.



Joseph L. Rinaldo, General Manager
Finance & Corporate Services



Joe-Anne Priel, General Manager
Social and Public Health Services

EXECUTIVE SUMMARY:

Low-Income Water and Wastewater Assistance Program

In the 2002 Rate Report (FCS02006/TOE02004), staff included a theoretical analysis on user pay systems, some examples of subsidy/lifeline programs and options for a subsidy program for the City of Hamilton. During the 2002 budget process, staff committed to review the need for a low-income water/wastewater subsidy program, under the assumption of the continued commitment to support the water/wastewater financing plan adopted in 2001.

It is proposed that a \$500,000 Water and Wastewater Assistance Fund, financed through the Rate Budget, be established as an interim measure to provide low-income ratepayers with a level of financial assistance of up to \$35 per household in 2003, based on need. Staff are committed to work with the Affordability and Accessibility Issues Task Force to develop a longer-term approach.

The recommended low-income water and wastewater assistance program would assist low-income ratepayers who are in arrears with a water/wastewater utility payment and are under threat of the service being discontinued. Payment of arrears would be in the form of a direct payment to the utility company.

The 2003 Water and Wastewater Budget proposes a utility rate increase of 8.9%, representing a \$35 annual increase per typical¹ household. The impact of the recommended annual utility rate increase on a low income household may amount to approximately \$30².

There are three main target populations for this assistance program: Ontario Works (OW) participants, Ontario Disability Support Program (ODSP) participants and 'low-income' residents that are not on social assistance but are living with low incomes (i.e. seniors on fixed incomes or low-income, working families).

It is proposed that in 2003, low-income ratepayers who are in arrears would be eligible for up to \$35 per household in water and wastewater billing relief based upon the results

¹ It is assumed that a typical household consumes 300m³ of water annually.

² Research indicates that low-income households, for a variety of reasons, consume 20% less water than that of an average or typical household. In the City of Hamilton a typical household's annual water consumption level is about 300m³.

**SUBJECT: Low-income Water and Wastewater Assistance Program
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of a means test. The means test would take into consideration the applicants income and assets against the allowable expenses. The proposed means test would be the same means test currently administered by the Social and Public Health Services Department's, Special Income Unit, for seniors and other residents living on a low-income.

With respect to OW participants, it is proposed that this fund would be accessed once existing financial assistance programs, such as Community Start-Up Benefit, a 80% provincially funded and 20% municipally funded program, have been utilized. When all other financial assistance programs have proven to be utilized, it is proposed that OW participants be eligible for up to \$35 in water and wastewater billing relief in 2003. Payment of arrears would be access via their OW case worker in the form of a direct payment to the utility company.

Similar to other low-income ratepayers, it is proposed that ODSP participants responsible for water and wastewater charges, would be eligible for up to \$35 in water and wastewater billing relief in 2003 through the Social and Public Health Services Department's, Special Income Unit. Once again, payment of arrears would be in the form of a direct payment to the utility company.

In general, the advantage of a Water and Wastewater Assistance Fund, is that it provides a targeted level of assistance required to ensure continued services for those without chronic difficulties (refer to table below for summary of financial impacts of proposed options).

This report presents a series of program options for a subsidy program which are summarized below.

Summary of Options		
	2003 Financial Impact	2003 Savings to Typical Household
Changes to the Basic (i.e. Fixed) Charge Component of Water/Wastewater Bill	\$0 redistribution of charges (basic charge to volumetric charge)	\$16-76
Water/Wastewater Utility Discount Program	\$2 million	\$35
Targeted Water/Wastewater Utility Discount Program (excludes OW recipients)	\$1.7 million	\$35
Water/Wastewater Subsidy Fund	\$0.5 million	Up to \$35
Status Quo	\$0	(\$35)
Above numbers based on annual household consumption of 300m3.		

Opportunity Fund

In August of 2002, the Hamilton Community Trust Panel submitted the "Creation of a Permanent Hamilton Future Fund" (FCS02107) for Council's approval. Within the list of options presented was the Opportunity Fund (\$500,000). The purpose of this fund is to provide financial assistance to the more vulnerable residents of our community.

The Social and Public Health Services Department will be examining the feasibility of allocating all or part of the Opportunity Fund of \$500,000, to SPHS programs such as Community Start-Up Benefit, as well as outside agencies, in an effort to leverage additional provincial funding or value added services (refer to Existing Social Programs below for further detail of the Community Start-Up Benefit program).

BACKGROUND:

As identified in the 2002 Water and Wastewater Rate Budget report (FCS02006/TOE02004), the 2002 budget implements a financial strategy that focuses on the following key areas:

- Capital Budget Process:
 - Infrastructure Programming/Rehabilitation/Replacement
 - Plant Outstations
 - Development Infrastructure
- Water Quality Initiatives

The underlying financial assumption to support these initiatives is a sustainable pricing strategy.

In 2002, Council were presented with a financing strategy that called for a 12% increase in 2002, followed by 15% increases for 2003-2006, followed by a 12% increase in 2007. Under the recommended long-term rate strategy, the City of Hamilton would achieve a sustainable water and wastewater financing system, as required under the Sustainable Water and Sewage Systems Act (Bill 175).

Water/Wastewater Rates

Despite the fact that Council approved 15% and 12% rate increases in 2001 and 2002, respectively, the City of Hamilton continues to offer competitive water/wastewater rates. Based on the U.S. Environmental Protection Agency's affordability guidelines of approximately 1.5 to 3.0% of average household income, typical metered household water rates in Hamilton would on average be considered affordable (refer to Attachment 1 for discussion related to affordability of water and wastewater rates).

Metered Ratepayers

In an analysis comparing 2002 average combined water/wastewater bills for 12 municipalities, Hamilton offered the fourth lowest average residential water/wastewater

charge (refer to Attachment 2). In 2002, similar to the City of Hamilton, other surrounding municipalities identified the need for rate increases to finance deficits in infrastructure replacement projects. For example, in 2001, the City of Toronto and the Region of Halton approved rate increases of 9% and 7.5%, respectively, in part to fund deficits in infrastructure replacement.

Unmetered Ratepayers

In October 2001 Council approved the Universal Water Metering Program, which will result in properties currently paying a flat water/wastewater rate converted to one based on actual consumption. In 2002, a flat rate property is charged an annual water and wastewater charge of \$485.70. The changeover will, on average, result in annual savings to the ratepayer of approximately \$83³.

Low Income Assistance Programs

In the 2002 Rate Budget Report (FCS02006/TOE02004), staff included a theoretical analysis on user pay systems, some examples of subsidy/lifeline programs and options for a subsidy program for the City of Hamilton. During the 2002 budget process, staff committed to review the need for a low-income water/wastewater assistance program, given the staff commitment to continue to support the water/wastewater financing plan adopted in 2001.

Review of Existing Assistance Programs

Subsequent to the approval of the 2002 Rate Budget, staff reviewed additional recent publications addressing affordability of utility bills in order to determine the successes of other communities and to gain insights into options that the City of Hamilton might consider (refer to Attachment 3 for brief description of assistance programs reviewed). This review was targeted towards the direct subsidy approach. This approach involves targeting subsidy funds directly towards the more vulnerable users rather than to all water customers.

The introduction of this type of subsidy scheme raised a host of complex design questions.

- Is the introduction of direct subsidy scheme justified in any particular instance?
- Which services should be subsidized; water or sewage. Consumption or connection?
- Who should benefit from the subsidy and how will eligibility be determined?
- How large should the subsidy be and how long should it be granted?
- What administrative measures are required to support the program?

³ The annual savings of \$83 is based upon annual household metered consumption of 300m³, and 2002 water and wastewater rates. The savings is driven from the fact that unmetered ratepayers are estimated to consume water at a level of 1.0 cubic metres per day; in the case of metered ratepayers the consumption is on average 0.8 cubic metres per day. Research indicates when ratepayers move to a user pay rate structure they on average consume less water, due in part to the higher incentive to conserve.

**SUBJECT: Low-income Water and Wastewater Assistance Program
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This report draws from the literature reviewed and tries to address each of the design questions listed above.

Justification of Direct Rate Subsidy

Based on the results of the literature review, as municipalities move towards full-cost recovery of the operation of their water/wastewater systems, a limited number have examined the feasibility of water/wastewater assistance programs, and have done so in an effort to address the issue of affordability, in particular, affordability for low-income residential customers.

Incidence/Prevalence of Poverty/Low-Income

In 1996⁴, 21.9% of Hamilton-Wentworth residents were considered low-income⁵. This is greater than the provincial average of 17.7%. In the province of Ontario, there has not been an increase to the Social Assistance rates since 1995. Further the Ontario Works Assistance rates were reduced in 1995 by almost 22%. Being employed is not a precursor to self sustainability. Low wages and periods of unemployment both contribute to the possibility of poverty. For instance, the replacement of well paying manufacturing work with lower-paying service sector jobs is one potential contributing factor (refer to Attachment 4 for data detailing poverty lines for Canadians).

Overall in 1996, household income in the Region of Hamilton-Wentworth was, on average, 9% less than the provincial average. Similarly, the median household income in Hamilton-Wentworth was 8.7% less than the provincial average (refer to Attachment 5).

In the case of senior citizens, in 1996, the population aged 65 and over totalled approximately 62,000 (refer to Attachment 6). Of those, approximately 15,600 or 25% were considered to be low-income.

Rent Payers

The recommended water and wastewater assistance program does not offer assistance to low-income renters who do not directly pay water utility bills. Staff recognize that renters can face rent increases over and above the Provincial rent guidelines, which are in part based on water charges (refer to Attachment 7). However, it is not feasible to administer an assistance program to renters who have had rent increases due to the increase in the water/wastewater rates. It would not be possible to determine to how much of the rent increase was due to the water/wastewater rate increase. Thus, only those residents who are directly responsible for water/wastewater bills would be eligible for the proposed assistance program.

⁴ While it is acknowledged that 1996 data is somewhat dated, 2001 Census income data will not be available until 2003. Consequently, income bands developed by Statistics Canada for the 1996 Census are employed in this analysis.

⁵ Social Planning & Research Council, "Information Sheet – Poverty Profile", 1999.

Existing Social Programs

City of Hamilton Programs

Community Start-Up Benefit: The Community Start-up Benefit (CSUB) is a mandatory item of assistance, cost shared on a 80% provincial 20% municipal basis, for Ontario Works (OW) and Ontario Disability Support Program (ODSP) participants. CSUB assists eligible OW and ODSP participants with funds to establish a new permanent residence in the community and assists OW participants who are under threat of eviction with shelter/utility arrears.

The amount of the CSUB payable is up to a maximum of \$1,500 per year for participants with dependent children under 18 years of age, or up to a maximum of \$799 per year for all other participants, as legislated by the Ministry of Community, Family, and Children's Services. For 2002, CSUB has a gross budget and a projected year-end actual of \$1.5 million and \$3.7 million, respectively.

NCB Emergency Shelter/Utility Fund: In May of 2002, Social and Public Health Services Department presented for Council's consideration the 2002 National Child Benefit Reinvestment Strategy (SPH02016). Within the overall strategy, \$500,000 will be directed to an Emergency Shelter/Utility Fund for 2002. This fund will be disbursed via two mechanisms: internal and community agencies. The majority of the funds will be disbursed internally by OW Case Managers to assist OW families with children and youth that are homeless, or at risk of becoming homeless with utility arrears/deposits and shelter arrears/deposits. The eligibility will mirror the Community Start Up Benefit in amount and frequency. This will result in an additional \$3,000 per year for families and \$1,498 per year for youth above the monthly social assistance shelter rates.

Discretionary Benefits: In addition to the two programs referenced above, City staff have access to limited discretionary funds within Ontario Works for special cases. Discretionary benefits are issued at the discretion of the Administrator, on a case by case basis, and can be utilized to assist participants with shelter/utility arrears in emergency situations. These funds, which are cost shared with the province, are capped and limited in scope.

Community Programs

Share the Warmth: In 2001, covering the 2001/2002 heating season, the City of Hamilton provided \$75,000 through the National Child Benefit (NCB) savings reallocation to Share the Warmth. This non-profit agency provides one-time assistance to eligible residents with fuel and utility needs. The NCB funding was provided to Share the Warmth to assist low-income families with their utility arrears. Share the Warmth has again been approved for funding from the NCB Emergency Shelter/Utility Fund in the amount of \$50,000 for 2002.

Housing Emergency Loan Program: For 2001/2002, the Housing Emergency Loan Program (HELP) received funding in the amount of \$120,000 from the federal program, Supporting Communities Partnership Initiative (SCPI), (administered by the City of

Hamilton). HELP assists eligible applicants with their shelter or utility arrears in the form of a repayable loan. As part of the 2002 City of Hamilton National Child Benefit Supplement Reinvestment Strategy Emergency Shelter/Utility Fund, HELP will assist residents through a grant payment who have exited the OW program within the last year and ODSP participants with shelter utility arrears.

Supporting Communities Partnership Initiative: Although homelessness occurs in areas all across Canada, the associated problems are quite different from one community to another. The Supporting Communities Partnership Initiative (SCPI) is designed to support local, community-based efforts to identify priorities and develop appropriate solutions. In Hamilton, SCPI funding was awarded to local community agencies for capital projects, urgent winter needs, and a variety of programs and services in an effort to support people that are homeless or at risk of homelessness. This funding is scheduled to end as of March 2003.

Opportunity Fund

In August of 2002, the Hamilton Community Trust Panel submitted the "Creation of a Permanent Hamilton Future Fund" (FCS02107) for Council's approval. Within the list of options presented was the Opportunity Fund (\$500,000 one time investment dollars). The purpose of this fund is to provide financial assistance to the more vulnerable residents of our community. Options for Council's consideration will be developed through consultation with the Affordability and Accessibility Issues Task Force.

Existing Levels of Assistance

With respect to the issue of affordability for OW recipients, the above analysis suggests that existing social programs are available and provide limited financial assistance to a select number of individuals who face short-term set-backs.

ANALYSIS OF ALTERNATIVES:

1. CHANGES TO THE BASIC CHARGE COMPONENT

The rationale behind some subsidy programs to provide water/wastewater customers a fixed quantity of water at no charge or a subsidized rate. The fixed quantity of water is to represent the level of consumption required for basic human consumption (i.e. drinking, cooking, and hygiene).

For the 2002 Water and Wastewater Budget, Hamilton's water/wastewater rates and rate structure were compared to 11 surrounding municipalities. Of the total 12 municipalities, 9 including Hamilton has a fixed water/wastewater charge. In the City of Hamilton, the current monthly water and wastewater basic (i.e. fixed) charge is \$8.84, which includes a 5m³ consumption credit. One option for Council's consideration is to eliminate the residential monthly basic charge and base the monthly water and wastewater billings on a per cubic meter charge only. The intent of the basic rate charge is not to recover the cost of the 5m³, but rather to reflect the capital intensity of the industry.

Option 1a. No Basic Charge without Consumption Credit

The elimination of the basic (i.e. fixed) charge against residential customers has a projected financial impact of approximately \$6.05 million (see table below). This financial impact would have to be recouped through an increase in the variable rate of about \$0.034/m³. In 2002, the variable water rate was \$0.616/m³, assuming no additional rate increase, the variable rate for 2003 would increase to \$0.65/m³. On a household which consumes 20m³ per month, the monthly financial impact of this option is a savings of approximately \$1.3 per month or \$16 annually (see table below).

Option 1b. No Basic Charge with Consumption Credit

An alternative to the above option would be to eliminate the basic (i.e. fixed) charge, and continue to offer the 5m³ per month consumption credit. Under this option, the variable rate would increase to \$0.70/m³. On a household which consumes 20m³ per month the monthly financial impact of this option is a savings of approximately \$6 per month or \$76 annually (see table below).

Option 1 (Lifeline Rate)	2003 Rate Impact
FORECASTED REVENUE IMPACT	
Metered Basic Charge	\$6,097,000
Flat Rate Basic Charge	\$78,000
Total Forecasted Basic Charge Revenue	\$6,175,000
1a. Required increase in Variable Charge to Offset Elimination of Basic Charge(without basic exemption)	\$0.034 (5.5% increase of 2002 variable rate)
1b. Required increase in Variable Charge to Offset Elimination of Basic Charge(with basic exemption 5m ³ /month)	\$0.084 (13.6% increase of 2002 variable rate)

Comparison of Current Rate Structure to a Lifeline Rate Structure (based on monthly household consumption of 20m ³)		
	Option 1a.	Option 1b.
Current monthly water charge	\$13.66	\$13.66
Currently monthly wastewater charge	\$13.66	\$13.66
Total currently monthly water and wastewater charge	\$27.32	\$27.32
Alternative monthly water charge	\$13.00	\$10.50
Alternative monthly wastewater charge	\$13.00	\$10.50
Total alternative monthly water and wastewater charge	\$26.00	\$21.00
Savings in monthly combined charge	\$1.32	\$6.32
Savings in annual combined charge	\$15.84	\$75.84

**SUBJECT: Low-income Water and Wastewater Assistance Program
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Pros

- guarantees a affordable basic level of water consumption
- easy to administer

Cons

- provides assistance to all residential rate payers, ignores ability to pay
- does not support conservation
- ignores capital intensity of w/ww industry and need for revenue stability
- has a much larger rate increase on all other water/wastewater consumers

2. WATER/WASTEWATER UTILITY DISCOUNT PROGRAM

An alternative assistance program for Council's consideration would be a Water/Wastewater Utility Discount Program (WWUDP). The WWUDP alternative is a direct subsidy program targeted at low-income households. To qualify for the Water/Wastewater Utility Discount Program, ratepayers would have to meet an income criteria exclusively, 2002 annual household gross income of \$25,000 or less (150% of national poverty level). The proposed level of assistance is equal to the proposed annual rate increases over the period 2003 to 2007. The direct subsidy under this program does not maintain water and wastewater rates at 2002 levels, but rather provides annual relief equal to the rate increase proposed over each of the next five years. For a household that consumes 25m³ per month, the total savings over the next five years would be approximately \$220⁶. A subsidy that maintained water and waster rates at 2002 levels would eliminate incentives for the efficient use of water, and does not communicate the full-cost of providing the service.

Estimated Annual and Total Impact of a Water/Wastewater Utility Discount Program (based on annual household consumption of 25m ³)						
	2003	2004	2005	2006	2007	Total Savings
Current Rate Structure	\$438	\$480	\$524	\$571	\$623	
Proposed WWUDP Rate Structure	\$402	\$438	\$480	\$524	\$571	
Annual Savings	\$35	\$42	\$44	\$47	\$52	\$220

Based on the gross household income of \$25,000 per house, an estimated 59,200 households would be eligible (based on 1996 Census data). The financial impact in 2003 would be approximately \$2 million, representing a 2.4% increase in 2002 water and wastewater rates (see Option 2, Attachment 8). The total cost of the direct subsidy, over the period 2003 to 2007, would be approximately \$13 million.

⁶ Note the 2004 to 2007 estimates are premised on the 2003 financing plan that calls for a 9.5% increase in 2004, a 9.25% increase in 2005, followed by 9% increases in 2006 and 2007. If the five-year financing plan changes, so too will the estimated impacts in future years.

2003 PROJECTED IMPACT OF WATER/WASTEWATER UTILITY DISCOUNT PROGRAM	
Number of Eligible Households	59,200
2003 Projected Cost	\$2.071 million
2003 Rate Impact	2.4%

Pros

- Discount would partially offset annual proposed rate increase
- Targeted to low-income ratepayers

Cons

- Difficult and possibly expensive to administer
- Some beneficiaries (renters) may be over subsidized (if rent increases are not reflective of full cost of rate increases)
- Most expensive option which would add to forecasted rate increase
- May duplicate existing support programs for social assistance clients
- Provides a subsidy to an annual water/wastewater charge which currently in competitive to other neighbouring municipalities

3. Targeted Water and Wastewater Utility Discount Program

The third potential rate subsidy program (Option 3, Attachment 8) for Council's consideration is a variation of the Water/Wastewater Utility Discount Program (Option 2). The variation is that the criteria for eligibility would be expanded to exclude OW participants. The exclusion of OW participants reduces the number of eligible participants to approximately 47,700.

The rationale for excluding OW participants, is that these individuals and families are entitled to financial assistance under the variety of social programs mentioned above. Under the Community Start-Up Benefit program, where an OW client is in arrears with a utility payment and are of threat of eviction. Payment of arrears are in the form of a direct payment to the utility company.

The amount to be paid is determined by the OW worker and the OW supervisor, based on the verified information provided by the client and/or utility company. In addition to the Community Start-Up Benefit program, OW participants have been eligible for limited financial assistance through Share the Warm and HELP.

The cost of the subsidies are anticipated to amount to approximately \$1.7 million in 2003, which would represent approximately a 2% increase in water and wastewater rates. Under this option, over the period 2003 to 2007, the total anticipated financial impact of providing subsidies is approximately \$10.5 million, a difference of \$2.5 million from the financial cost of Option 2. Similarly, in 2003, the financial impact of Option 3 is approximately \$400,000 less than that of Option 2.

2003 PROJECTED IMPACT OF TARGETED WATER/WASTEWATER UTILITY DISCOUNT PROGRAM	
Number of Eligible Households	47,700
2003 Projected Cost	\$1.669 million
2003 Rate Impact	2%

Pros

- Discount would partially offset proposed annual rate increase
- Targeted to low-income ratepayers
- In the case of OW participants, continue to utilize Community Start-Up Benefit, which maximizes Provincial subsidies (80% Provincial/20% Municipal)

Cons

- Difficult and possibly expensive to administer
- Some beneficiaries (renters) may be over subsidized (if rent increases are not reflective of full cost of rate increases)
- Continuous to have a rate impact over and above forecasted increases.

4. Status Quo

The Universal Metering Initiative deals squarely with the issue of equity, which in the case of water servicing is concerned principally with the idea that ratepayers should pay for water servicing in proportion to the costs imposed on the water system through usage. The City of Hamilton continues to offer competitive water and wastewater rates. Based on the U.S. Environmental Protection Agency's affordability guidelines, typical annual water and wastewater charges can be considered affordable. Similarly, the City of Hamilton's basic monthly charge includes a consumption credit of 5m³, something other surrounding municipalities do not offer.

The general concept of user pay systems is inconsistent with an ability to pay philosophy. Broader public policies are more appropriate for dealing with the issues such as an equitable income distribution.

Despite recent increases, the City of Hamilton's residential water rates continue to be among the lowest of major municipalities in Ontario. In 2002, staff have not faced an increasing number of hardship cases that can be attributed to the recent rate increases.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As it is not possible to determine the total number of clients that will access this program, staff is therefore not able to fully delineate the administrative impact on the Special Income Program. Staff will closely monitor program utilization to determine if the existing staff level in the Special Income Program can accommodate the resulting increase to service levels and will report back to Committee of the Whole.

POLICIES AFFECTING PROPOSAL:

Not Applicable

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

- This information was compiled through consultations with Social and Public Health Services, Share the Warmth, and Housing Emergency Loan Program.
- Staff consulted with the Affordability and Accessibility Issues Task Force.

CITY STRATEGIC COMMITMENT:

Adoption of the recommended program will assist in the achievement of several objectives of Vision 2020. The program address Personal Health and Well-being goals in that it will seek to provide financial assistance to the number of families living in poverty and will further the objective of developing a caring community that gives support and opportunity to it's members.

Water and Wastewater Affordability

Based on the U.S. Environmental Protection Agency's affordability guidelines of approximately 1.5 to 3.0% of average household income, typical metered household water rates in Hamilton would on average be considered affordable (see table below). Based on 1996 census income data, the latest data available, 2002 typical combined water and wastewater annual billings of \$402 represents 0.8% of the 1996 average household income, well within the U.S. EPA's affordability guideline. Alternatively, at the \$20,000 annual household income level, capturing 24% of total households in Hamilton in 1996, a typical annual charge would represent 2% of annual household income.

The fact that annual residential water and wastewater charges are affordable, the approved rate assistance program should in fact be targeted only to those that are unable to afford the proposed rate increases. Based on the discussion above and table below, it is assumed that annual water and wastewater charges can be considered affordable for most households in the City of Hamilton.

Analysis of Affordability Guidelines for the City of Hamilton (based on typical annual household water and wastewater charge of \$402)			
	1.5%	2.25%	3%
Average Household Income¹	\$739	\$1,108	\$1,477
Median Household Income	\$621	\$932	\$1,243
Household income of \$20,000	\$300	\$450	\$600
Household income of \$40,000	\$600	\$900	\$1,200
¹ Note: in 1996 average and median annual household income was \$49,231 and \$41,428. Also, since comparison are based on 1996 census income data, these ranges will be lower than anticipated, assuming average household income in Hamilton has risen since 1996.			

Comparison of Residential Water and Wastewater Annual Charges

2002 Combined Metered Water/Wastewater Charge Comparison with Other Municipalities	
Municipality	Typical Residential (300m3 annually)
Norfolk	\$728
Halton	\$476
Waterloo	\$449
Kitchener	\$436
Brantford	\$433
Cambridge	\$424
Durham	\$420
Guelph	\$405
Hamilton	\$402
Toronto	\$370
St. Catharines	\$325
Peel	\$246

Water and Wastewater Affordability

Based on the U.S. Environmental Protection Agency's affordability guidelines of approximately 1.5 to 3.0% of average household income, typical metered household water rates in Hamilton would on average be considered affordable (see table below). Based on 1996 census income data, the latest data available, 2002 typical combined water and wastewater annual billings of \$402 represents 0.8% of the 1996 average household income, well within the U.S. EPA's affordability guideline. Alternatively, at the \$20,000 annual household income level, capturing 24% of total households in Hamilton in 1996, a typical annual charge would represent 2% of annual household income.

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Cambridge	\$424
Durham	\$420
Guelph	\$405
Hamilton	\$402
Toronto	\$370
St. Catharines	\$325
Peel	\$246

Case Studies

Case Study 1: Portland, Oregon

One of the most comprehensive low-income assistance programs reviewed, is that of the City of Portland Oregon.

The City of Portland recognized that as the need existed to increase rates to fund projects and programs necessary to meet regulatory requirements, growth needs, and replacement of ageing infrastructure, there was an increasing issue of how affordable basic utility service was to ratepayers – particularly low-income residential customers.

The City of Portland has been engaged in establishing assistance programs for low-income residential utility ratepayers for over 15 years. In past years, the City of Portland's relief program was defined by two goals: (1) to lessen the impact of rising water and sewer costs on low-income people in Portland through early participation in a variety of conservation programs and (2) to enable low-income people in Portland to keep their water and sewer bills current through the provision of a variety of bill relief programs⁷.

The combined water and sewer quarterly bill for a typical single-family residential customer was \$128.01 in June 2000. This amount was forecast to increase to \$170.32 by FY 2003-2004, an average annual increase of 6.7%. Surveys of other communities in Oregon and the U.S. showed combined water and sewer bills in Portland to be significantly higher than average. Although the combined bill was well within the draft US Environmental Protection Agency affordability guidelines of approximately 1.5 to 3.0% of average household income.

The program allowed for a flat rate water and sewer discount of \$35.01 per quarter, or \$11.67 per month and was available to low-income owners and any renters who were responsible for paying the bill.

Eligibility for the discount was based on household income equal to or less than 150% of the then federal poverty level. On the basis of census data and other information, it was estimated that about 25,000 of Portland's 145,000 customers would be eligible for this discount and that approximately 10,000 households would actually apply and receive assistance.

One of the successes of the Portland initiative is the recognition of the need for conservation, in addition to offering financial assistance to property owners, or renters responsible for paying water/wastewater bills.

⁷ Bill relief included payment extensions, budget billing (monthly), water block pricing, rate relief for low income households based on reducing the typical low-income bill by a flat amount, crisis assistance, and interest and penalty writeoffs.

**SUBJECT: Low-income Water and Wastewater Assistance Program
(FCS02126/SPHS02495) - (City Wide) - Page 17 of 23**

Case Study 2: Seattle, Washington

The City of Seattle, offers a utility discount program to senior citizens and/or disabled customers who meet age and income requirements. Homeowners and renters who receive City of Seattle water/wastewater utility bills and meet age, income and disability criteria can participate in the City's Utility Discount Program. To qualify for the Utility Discount Program, ratepayers must be:

- Age 65 and older or
- Under age 65 and disabled
- Income eligible

The program is targeted to homeowners and renters, but excludes tenants of subsidized housing.

Income Criteria

Income is based on total gross income of all people living in the household. This includes all income received from social security, supplemental security income (SSI), retirement benefits, social security disability income (SSDI), general assistance for the unemployable (GAU), Veterans payments, Labour and Industry benefits, wages, interest from savings and bonds, annuities, dividends, etc.

Senior citizens or a disabled ratepayer, who has an income level at or below 70% of the state median level, is eligible for a 50% credit on their water/wastewater bill.

Regardless of age, customers with a household income at or below 125% of the federal poverty level can also save about 50% on their water/wastewater utility bills (average annual 2002 residential combined water/wastewater bill \$658).

2002 Utility Discount Program Income Guidelines:		
# in Household	Monthly Income	Annual Income
1	\$1,919	\$23,024
2	\$2,509	\$30,108
3	\$3,099	\$37,192
4	\$3,690	\$44,276
5	\$4,280	\$51,360
6	\$4,870	\$58,444

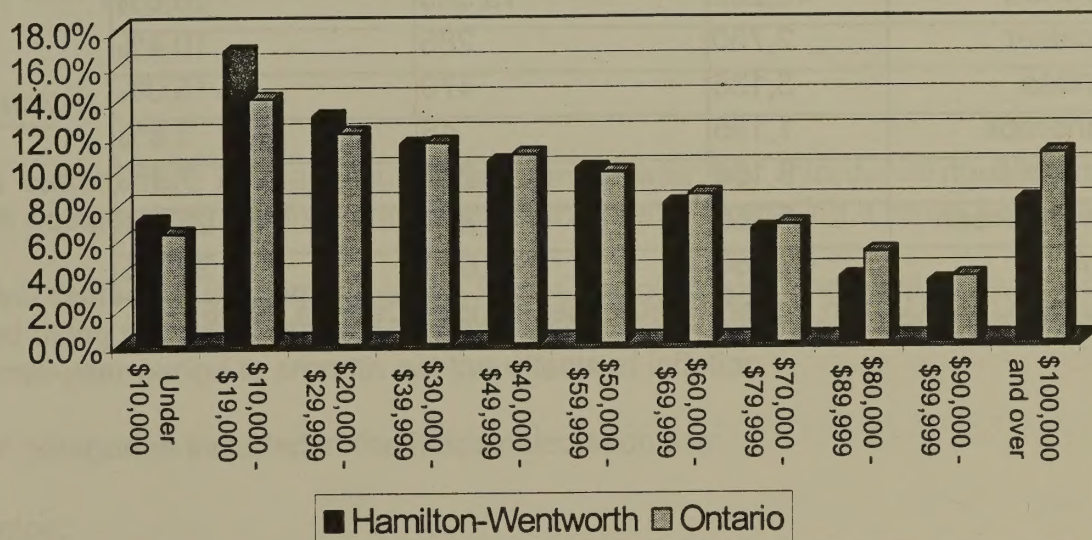
The table below sets out the poverty line for Canadians. For people who live in Hamilton-Wentworth, our Area of residence is Category "B", which means that a single person earning less than \$14,694 annually would be living below the poverty line.

Size of Area of Residence					
	A	B	C	D	E
	500,000 and over	100,000 – 499,000	30,000 – 99,999	Less than 30,000	Rural Areas
1 person	\$17,132	\$14,694	\$14,591	\$13,577	\$11,839
2 persons	\$21,414	\$18,367	\$18,239	\$16,971	\$14,799
3 persons	\$26,633	\$22,844	\$22,684	\$21,107	\$18,406
4 persons	\$32,238	\$27,651	\$27,459	\$25,551	\$22,279
5 persons	\$36,036	\$30,910	\$30,695	\$28,562	\$24,905
6 persons	\$39,835	\$34,168	\$33,930	\$31,571	\$27,530
7 persons	\$43,634	\$37,427	\$37,166	\$34,581	\$30,156
For Each Additional Person	\$3,799	\$3,259	\$3,236	\$3,010	\$2,626

Source: Social Planning and Research Council of Hamilton-Wentworth, Information Sheet – Poverty Profile, 1999.

* Note: based upon National Council of Welfare estimates of LICO (1986 base) for 1997 and adjusted by an inflation factor of 1.6%.

Distribution of Household Income Hamilton versus Ontario (1996)



Source: Statistics Canada. 1996 Census Data.

Attachment 6

**Total Population 65 Years and Older by Low Income Status and
Municipality**

Community	Age 65+	# in Low Income	% in Low Income
Hamilton	46,260	13,335	28.8%
Ancaster	2,750	285	10.4%
Dundas	3,135	470	15.0%
Glanbrook	1,195	45	3.8%
Flamborough	3,160	225	7.1%
Stoney Creek	5,780	1,260	21.8%
Total	62,280	15,620	25.1%

Source: CSSD Urban Poverty Database, Census Canada, 1996.

Rent Payers

Housing tenure in the City of Hamilton varies significantly by family structure, as well as demographic. For instance, unattached non-elderly individuals in general are renters, where unattached elderly persons are equally as likely to be renters versus homeowners. In regards to families, families for the most part are owners (73%). However, lone parent families with children under the age of 18 are generally renters (70%).

Rent Control

Ontario's current rent increase guideline formula was first introduced in 1987. The formula is designed to recognize increases in the cost of operating a rental building.

The central feature of the formula is the Rent Control Index. The Rent Control Index is calculated using municipal property tax and Consumer Price Index (CPI) data, averaged over a three-year period to smooth out the effects of inflation.

The eight categories included in the Index calculation are:

- Insurance;
- Heating;
- Hydro;
- Water;
- Municipal taxes
- Administration;
- Maintenance; and
- Miscellaneous costs

The rent control guideline announced recently for 2003 is 2.9%, a reduction from 3.0% in 2002 (see table below for historical rent control guidelines).

Ontario Rent Control Guidelines

Year	Guideline Increase (%)	Year	Guideline Increase (%)	Year	Guideline Increase (%)	Year	Guideline Increase (%)
2003	2.9	1998	3.0	1993	4.9	1988	4.7
2002	3.9	1997	2.8	1992	6.0	1987	5.2
2001	2.9	1996	2.8	1991	5.4	1986	4.0
2000	2.6	1995	2.9	1990	4.6	1985	6.0
1999	3.0	1994	3.2	1989	4.6	1984	6.0

Rent Increases Above the Guideline

A landlord can apply to the Ontario Rental Housing Tribunal for an increase above the guideline if:

- The landlord's costs for municipal taxes and charges, and/or utilities have increased significantly, or
- The landlord had done major renovations or repairs, or
- The landlord has added security services.

Rent increases for repairs, renovations or security services cannot be more than 4% on top of the guideline each year. For increases in the cost of municipal taxes, charges or utilities, there is no limit on the amount of rent increase that can be charged.

If there is an agreement to a rent increase above the guideline, the landlord does not have to apply to the Tribunal for approval of the increase.

**SUBJECT: Low-income Water and Wastewater Assistance Program
(FCS02126/SPHS02495) - (City Wide) - Page 23 of 23**

Attachment 8

2003 RATE REBATE ESTIMATED IMPACTS

An estimated 59,192 (or 33%) of all households in Hamilton have household incomes of \$25,000 (1.7 times poverty level) or less. Of the 59,192 households, an estimated 24,515 or 41.4% are owned, therefore the remaining 59.6% are rented.

SENIORS

It is estimated that seniors, make up 17% of all households with income equal to and less than \$25,000
An estimated 41% of all Seniors with household income equal to and less than \$25,000 own their property, therefore 59% are renters.

OPTION 2 (Water/Wastewater Utility Discount Program)

Rebate Estimates

		2003	2004	2005	2006	2007	Total Rebate
	Number of Households (Assumes household income of \$25,000 or less)	\$35 Rebate	\$42 Rebate	\$44 Rebate	\$47 Rebate	\$52 Rebate	\$220 Rebate
NON-SENIORS	49,259 (all non-seniors)	1,724,065	2,068,878	2,167,396	2,315,173	2,561,468	10,836,980
SENIORS	9,933 (all seniors)	347,655	417,186	437,052	466,851	516,516	2,185,260
ALL	59,192 (all)	\$2,071,720	\$2,486,064	\$2,604,448	\$2,782,024	\$3,077,984	\$13,022,240

OPTION 3 (Targeted Water/Wastewater Utility Discount Program)

		2003	2004	2005	2006	2007	Total Rebate
	Number of Households (Assumes household income of \$25,000 or less)	\$35 Rebate	\$42 Rebate	\$44 Rebate	\$47 Rebate	\$52 Rebate	\$220 Rebate
ALL EXCLUDING OW	47,692	\$1,669,220	\$2,003,064	\$2,098,448	\$2,241,524	\$2,479,984	\$10,492,240

Breakdown of all excluding OW by owned vs. rented, seniors vs. non-seniors.

OWNED	27,166 (owned and not seniors)	950,810	1,140,972	1,195,304	1,276,802	1,412,632	5,976,520
	5,407 (owned and seniors)	189,245	227,094	237,908	254,129	281,164	1,189,540
	32,574 (owned)	\$1,140,055	\$1,368,066	\$1,433,212	\$1,530,931	\$1,693,796	\$7,166,060
RENTED	12,562 (rented and not seniors)	439,670	527,604	552,728	590,414	653,224	2,763,640
	2,557 (rented and seniors)	89,495	107,394	112,508	120,179	132,964	562,540
	15,118 (rented)	\$529,165	\$634,998	\$665,236	\$710,593	\$786,188	\$3,326,180

Note 1% increase in rates is equal to approximately \$0.9 million.

Rebates are based on monthly consumption of 25m3/month (20m3/month after exemption) and rate increases of 8.9% in 2003, 9.5% in 2004, 9.25 in 2005, followed by 9% increases in 2006 and 2007.

CITY OF HAMILTON

2.2

FINANCE & CORPORATE SERVICES
Budget & Fiscal Policy Services

and

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Water/Wastewater Division

Report to: Mayor and Members
Committee of the Whole

Submitted by: Joseph L. Rinaldo
General Manager

Peter M. Crockett, P.Eng.
General Manager

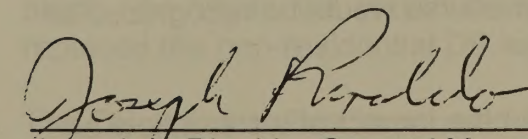
Date: November 21, 2002

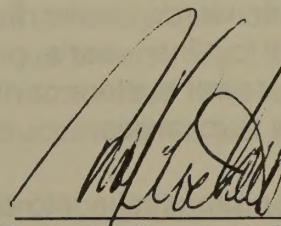
Prepared by: M. Zegarac Ext. 2739
R. Rossini Ext. 4523
T. Hewitson Ext. 4159
L. Di Gironimo Ext. 4254

SUBJECT: Wastewater Abatement Program (FCS02125/TOE02201) - (City Wide)

RECOMMENDATION:

- (a) That the abatement program detailed as Option 2 – 25% Minimum Sewer Surcharge, of report FCS02125/TOE02201 be approved with the condition of a phase-in as outlined in Recommendation B.
- (b) That the abatement, otherwise available in Recommendation A, for eligible industries be phased-in at 50% in 2003 and 100% in 2004.
- (c) That the Director of Legal Services & Corporate Counsel be authorized to submit, for Council's approval, the necessary by-law for the purpose of establishing a wastewater abatement program.


Joseph L. Rinaldo, General Manager
Finance and Corporate Services


Peter M. Crockett, P.Eng., General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

The current utility billing policy does not provide commercial/industrial ratepayers with the opportunity for an exemption from the payment of the wastewater charge for water not returned to the sewer system. In February of 2002, staff were directed to report back to Council, regarding sewer abatement policies. The City of Hamilton is not legislated to offer ratepayers a form of abatement, but rather has elected to review the opportunity to do so.

The recommended option provides commercial/industrial ratepayers with the opportunity to apply for a partial exemption from the payment of the wastewater surcharge. This abatement is determined on the basis of a demonstrated flow differential between metered water consumption and effluent discharged into the City's wastewater system. In the absence of better measuring and monitoring techniques the policy cannot be practically applied to the residential sector.

If the recommended wastewater abatement program for commercial and industrial ratepayers is approved by Council, the estimated cost of the program, based on industry information and assumptions, would be approximately \$1.8 million, which would require an increase in water and wastewater rates of approximately 1.8%. For a typical residential household in the City of Hamilton this would represent an increase in their combined water and wastewater annual charge of approximately \$7.

If Council were to approve a two-year phase-in as per Recommendation B, the estimated cost of the program in 2003 would be approximately \$900,000, requiring an increasing in water and wastewater rates of approximately 1%. A 1% increase in rates equates to an annual increase of \$3.70 on a typical residential annual water and wastewater charge. An approved water and wastewater rebate program would be recouped through a water rate increase, and corresponding wastewater rate increase, against all ratepayers.

BACKGROUND:

Based on the premise of the principle of user pay, staff recognize that the potential difference between water consumption and effluent discharge can be considerable and sustained through the year of business for a variety of industrial/commercial sectors. The abatement would be determined on the basis of a demonstrated flow differential between metered water consumption and effluent discharged into the City's wastewater system (see Attachment 1 for a diagram and description of the relationship between water and wastewater flows). In other words, water flows not discharged to the sanitary sewer system that are consumed by the user's product or process, and/or are legitimately diverted to separated storm sewer system or natural water course would be recognized as exempt from full wastewater surcharges.

The wastewater abatement options take into consideration the impact of water inflow and infiltration (I&I) into the City wastewater system and combined system. During the spring, inflow and infiltration are high and wastewater flows are much higher than the volume of water supplied. During the summer, seasonal water use reverses this trend. Over the year, wastewater flows are higher than water supply due to I&I more than offsetting any non-sanitary water use such as lawn irrigation as well as non-sanitary use by industry such as for cooling and discharged elsewhere, evaporation or incorporation into product. The overall message is that due to I&I flows entering the sewer system the actual volume

of sewage in Hamilton that must be treated is about 20% to 30% higher than the volume of water used to calculate customers' water bills, depending on weather conditions (see Attachment 2 for detailed data).

Sewer surcharge abatement is not a common practice, but in the Toronto area is available in Durham Region, Peel Region, Toronto City and Halton Region. The former Region of Haldimand Norfolk also allows appeals. A survey of neighbouring municipalities illustrates a variety of approaches with respect to wastewater abatement. While most municipalities which offer wastewater abatement to non-residential ratepayers are universally accessible to all commercial/industrial ratepayers, in the case of the City of Toronto, accessibility to the program is limited to a few (6) larger water consumers. An additional common factor in their abatement programs is a minimum flow differential. The minimum sewer surcharge is in recognition of wastewater plant capacity which must be maintained by the municipality in the event the appellant's process changes and requires greater use of the wastewater system (see Attachment 3 for a description of programs offered by surveyed municipalities).

Since the potential difference between water consumption and effluent discharge is often considerable and is usually sustained throughout the year for a limited number of businesses, this abatement policy has been limited exclusively to the commercial/industrial sector. In the absence of better measuring and monitoring techniques the policy cannot be practically applied to the residential sector.

In 2001, commercial and industrial water users in the City of Hamilton accounted for approximately 65% of total metered water demand. The five largest industrial water users account for approximately 23% of all commercial and industrial metered water demand, and 15% of total metered water demand. For purposes of comparison, an Environment Canada survey of municipalities, with a populations greater than 5,000, indicates that total industrial water use accounts for 17% of total municipal water use. Although, industrial water demand in the City of Hamilton has been declining, it remains a significant sector.

Historic Hamilton Water/Wastewater Rates

Through the 1970's and 80's, the Region used a declining block (DB) water tariff for its non-residential customers and a uniform water charge (UC) structure for metered residential customers. Over this same period, the sanitary sewer surcharge varied from 100% to 116%, averaging 111%. Originally, the residential volumetric charge was higher than the 1st block charge for non-residential customers. By 1990, the residential and 1st block non-residential water charges were harmonized and by 1992 the Region had replaced the non-residential DB water tariff structure with a UC structure.

The DB structure has been used in the past in recognition of economies of scale present when servicing large volume customers. It has been recognized, that the low costs per unit associated with successively higher blocks mean that declining block rates reduce the incentive for water conservation. Some municipalities have made the change from a DB rate structure to a Conservation Unit Charge (CUC) or Increasing Block Rate (IBR) structure to encourage conservation in the hopes of deferring capital upgrades.

Based on an Environment Canada survey of municipal rate structures, the uniform charge structure was the most common structure found in larger municipalities within Canada and Ontario in 1996, followed by the declining block structure. Few communities utilize an increasing block or conservation pricing scenario (the more you use, the higher rate per cubic meter). The table below summarizes a survey of rate structures within Canada.

Staff are not recommending any changes to the current water and wastewater rate structure. The complexities of estimating rate revenue impacts and conflicting customer options did not allow for a thorough review in time for the 2003 Budget.

<i>Distribution of Rate Structures in Large Municipalities in Canada and Ontario</i>								
Type of Rate Structure	Non-Residential				Residential			
	Canada		Ontario		Canada		Ontario	
	1996	1991	1996	1991	1996	1991	1996	1991
Uniform Charge	48%	44%	62%	53%	39%	37%	64%	53%
Declining Block	34%	41%	31%	44%	22%	25%	20%	30%
Increasing Block	6%	2%	0%	0%	10%	2%	2%	2%
Complex	5%	6%	7%	2%	3%	2%	7%	2%
Flat Rate or Property Tax	7%	7%	0%	0%	27%	34%	7%	12%
	100%	100%	100%	100%	100%	100%	100%	100%
Source: Based on an analysis of the 1991 and 1996 MUP data from Environment Canada.								
Notes:								
1. Includes all municipalities with service populations of 40,000 or more.								
2. Municipalities reporting both flat-rate structure and a structure with a volumetric charge are counted under the volumetric rate structure.								

ANALYSIS OF ALTERNATIVES:

An analysis of possible rebates has been carried out. Detailed estimates have been made for the 30 largest water users, which account for approximately 44% of total commercial and industrial water demand. The estimated financial impacts are based on 2001 actual consumption data, sanitary flow estimates provided by the largest customers and estimates of likely rebates to other customers. By reviewing the types of customers, it appears that 12 of the 30 customers may have situations where they might claim non-sanitary usage. Sanitary flow level estimates for customers with reduced discharges vary from 20% up to about 90%. Details related to three possible options for council's consideration are provided below, as well as in Attachment 4.

Option 1 Status Quo

The City of Hamilton's current utility billing policy does not provide any ratepayers with the opportunity for an exemption from the payment of the wastewater charge. By not offering the opportunity for an exemption from the wastewater charge for commercial and industrial ratepayers, the City will not be recognizing the potential difference between water consumption and effluent discharge, and the associated costs. At the same time, if wastewater abatement were offered to the commercial and industrial sector, the cost of

the foregone revenue would have to be recouped through a water rate increase, and corresponding wastewater rate increase, against all ratepayers. The impact of increasing rates against all ratepayers is some shifting of revenue generation from commercial and industrial to residential ratepayers.

Over the past two years, the City of Hamilton has addressed the financial competitiveness of the commercial, industrial and multi-residential property classes through other initiatives. For example, through a combination of the City's Business Tax Reduction plan and reductions to the clawbacks, Commercial/Industrial and Multi-residential taxes were reduced by \$18.7 million in 2002, over and above the \$24.6 million in tax cuts in 2001.

Option 2 - Minimum 25% Sewer Surcharge

The following option provides commercial/industrial ratepayers with the opportunity to apply for a partial exemption from the payment of the wastewater surcharge. This abatement is determined on the basis of a demonstrated flow differential of 25% between metered water consumption and effluent discharged into the City's wastewater system. Water flows not discharged to the sanitary sewer system that are consumed by the user's product or process, and/or are legitimately diverted to the storm sewer system or a natural water course, are recognized as an exemption from full wastewater surcharges. It should be noted that only flows that are in compliance with the City's Sewer Use By-law can be discharged.

In addition to the 25% diversion threshold, industries will be eligible for a 75% maximum abatement. The minimum 25% sewer surcharge would be applied since the sewer system must be maintained even if the discharged is low. Sewer systems are provided based on zoning and also involve more infrastructure for larger customers. The minimum charge ensures that large customers with large flow differentials continue to contribute some funds to the sanitary sewer system.

For purposes of illustration, an industry that diverts 100% of water consumption due to evaporation and/or process, would be eligible for a 75% abatement due to the minimum sewer surcharge of 25%.

As mentioned in the background, due to I&I flows entering the sewer system the actual sewage in Hamilton that must be treated is about 20% to 30% higher than the volume of water used by customers. Consequently, for companies with less than 100% diversion, there is an add-back adjustment of 33% to the volumetric charge, so that all customers continue to pay an equal portion of the treatment costs associated with I&I.

For example, an industry with 50% diversion, would be assessed an I&I add-back of 16.50%. Therefore, in this particular example, the industry that diverts 50% of water consumption would be eligible for an abatement of 33.5% (see table below for illustration). Finally, industries with less than 25% diversion would be ineligible under the recommended program, due to the minimum threshold.

Illustration of Abatement Determination				
Water Consumption (A)	Wastewater Diversion (B)	Actual Wastewater Returned to Sewer System (C)	Infiltration & Inflow Add-Back (D)	Wastewater Abatement (%) (E)
		(A-C)	(C) x 133%	(A)-(D)
100	75	25	33.25	66.75
100	50	50	66.50	33.50
100	40	60	80.00	20.00

Under Option 2, the 25% Minimum Sewer Surcharge, the basis for establishing an appeal would be through an investigation of the appellant's water-use process, rather than a physical measurement of effluent discharge. Upon receipt of a written appeal submission, an on-site investigation would be conducted by a third-party consulting engineer(s) on an "as required basis" as the activity is periodic. Appellants would be responsible for the full-cost of the investigation process.

It is staff's view that an abatement program must be efficient, and that the potential cost of the investigative process for appellants and all ratepayers alike be reduced. However, staff recognize that given the size and complexity of some industrial operations, the investigative process in these cases may be significant in effort and cost.

It is expected that the proposed review procedures (see Attachment 5) provides for an appeal process that ensures equitable treatment of all appellants.

An analysis of possible rebates has been carried out. The estimates are based on preliminary discussions with the Large Water Users Group. Generally, large water users feel they will qualify to some extent. Possible rebates have been estimated based on these discussions and the consultant's industry experience. A couple of industries were able to provide good estimates of their flow differential. Others only had very approximate estimates. There are 7 in the top 30 large water users that, based upon industry data and assumption might qualify. The total reduction in wastewater charges under this option is estimated at approximately \$1.8 million.

The cost of an abatement program would be borne by all ratepayers through a rate increase. To fund a wastewater abatement program based upon the structure outlined under Option 2, and based upon the information provided by large later users and assumptions on other users, water and wastewater rates would have to increase by approximately 1.8%, or approximately \$7 annually per typical household. Note that the estimated cost is based upon preliminary estimates in most cases and not upon actual system audits, therefore the actual cost of the program could be more substantial.

Option 3 - Sliding Scale Minimum Sewer Surcharge

Under this option, the basis for establishing an appeal would be through an investigation of the appellant's water-use process, rather than a physical measurement of effluent discharge. Upon receipt of a written appeal submission, an on-site investigation will be

conducted by a consulting engineer(s) on an "as required basis" as the activity is periodic. Appellants would be responsible for the full-cost of the investigation process.

Like Option 2, this option provides commercial/industrial ratepayers with the opportunity to apply for a partial exemption from the payment of the wastewater. This abatement like Option 2 is determined on the basis of a demonstrated flow differential of 20%.

Under the Sliding Scale Minimum Sewer Surcharge (Option 3) the minimum sewer surcharge charge of 10 to 20%, would be based on a range of water consumption levels. Under Option 3, the minimum sewer surcharge would be lower than the proposed 25% minimum sewer surcharge under Option 2. Consequently, some applicants that qualify might be eligible for a higher level of abatement. Option 3 also includes an add-back adjustment of 25%, to account for I&I flows.

Due to the less stringent thresholds under Option 3, the number of the potential large customers which might qualify, would grow to 11. Under Option 3, the total reduction in wastewater charges is estimated at \$2.3 million.

As mentioned early, the cost of a wastewater program would be borne by all water and wastewater rate payers. Based upon the information provided by large customers and assumptions on other users, the wastewater surcharge under Option 3 would require an increase in rates of approximately 2.4%, or approximately \$9 annually per typical household. Note that the estimated cost is based upon preliminary estimates in most cases and not upon actual system audits, therefore the actual cost of the program could be more substantial.

FINANCIAL IMPLICATIONS:

Financial Impacts of Abatement Options	Option 1 Status Quo	Option 2 25% Minimum Sewer Surcharge (millions\$)	Option 3 Sliding Scale 10-20% Minimum Sewer Surcharge (millions\$)
Cost of Abatement	\$0	\$1.8	\$2.3
2003 50% Phase-in	\$0	\$0.900	\$1.3
2004 100% Phase-in	\$0	\$1.8	\$2.3

STAFFING IMPLICATIONS:

It is proposed the applicant's claims will be directed to the Director of the Water and Wastewater Division, TOE, and processed through the Regulatory Services Section of the Water and Wastewater Division. Assuming the recommended option is approved, it is anticipated that existing staff would be able to process all claims.

LEGAL IMPLICATIONS:

The Director of Legal Services & Corporate Counsel should develop a bylaw for the purpose of establishing a wastewater abatement program and the cost-recovery fees associated with the program.

POLICIES AFFECTING PROPOSAL:

The recommended option supports the principle of a user pay water and wastewater system, premised on an economically efficient and equitable rate structure.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Large Users Groups have been consulted and have participated through information dissemination to the consultant.

CITY STRATEGIC COMMITMENT:

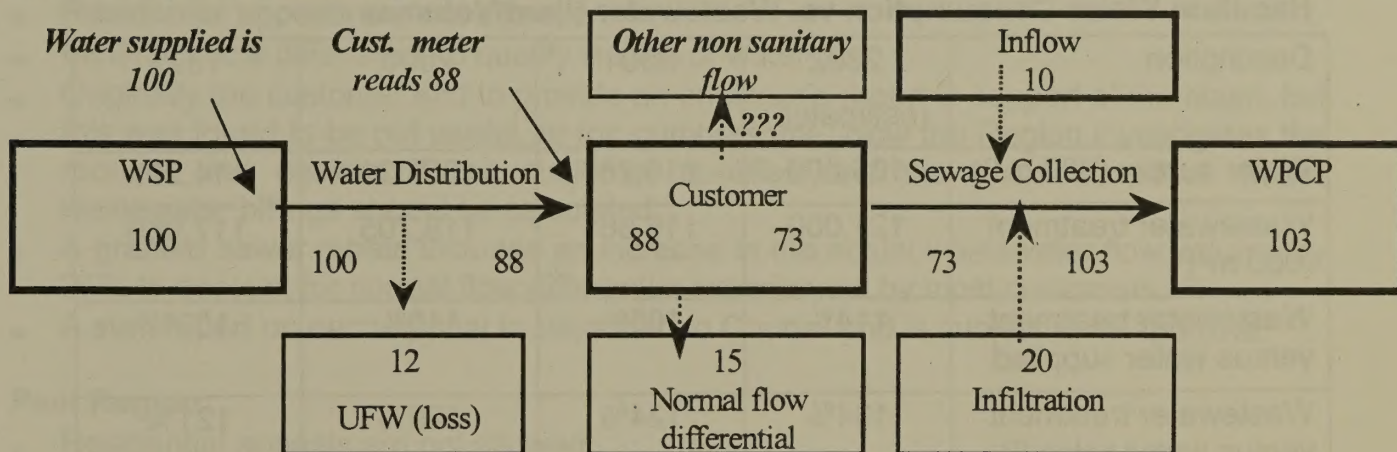
The following initiative moves to improve the ability of local businesses to compete both locally and globally and thus provide all citizens with an opportunity to have an income to meet, as a minimum, the necessities of life.

Attachment 1

Relationship between Water & Wastewater Flows

The following diagram illustrates the relationship between water and wastewater flows. The numbers used do not relate to any specific municipality, but are not unreasonable as a general case example. Some actual Hamilton data are provided later.

1.1. Diagram Illustrating Water & Wastewater Flows



WSP = Water Supply Plant

UFW = Unaccounted for Water

WPCP = Water Pollution Control Plant

Key points:

- **Unaccounted for Water (UFW) Defined** - UFW is difference between the volume of water sold and volume supplied from the water supply plant (WSP). It is primarily due to watermain leakage, but could also include hydrant usage, main flushing etc. The management of UFW can be improved by identifying volumes that are used, such as for fire fighting and training, street flushing, main flushing, parks watering etc. This water can also be charged back as a way of controlling its use. This approach has led to using NRW to reflect the volume not billed. Customers' water bills are based on their usage, but that volume is less than the volume of water actually supplied by the City. The difference is known as unaccounted for water (UFW) or non-revenue water (NRW). Thus water meters are a way of allocating total costs in proportion to customer use.
- **Flow Differential** - Customers' non-sanitary water usage, or "flow differential" is for outside purposes and may evaporate, become surface drainage and enter storm sewers, or seep into the ground and contribute to infiltration (sometimes through foundation drains).
- **Inflow and Infiltration (I&I)** – This is due to a combination of surface water entering sanitary sewers, usually through manhole covers, often during spring runoff, and groundwater infiltration, usually through pipe joints and cracks. Infiltration can also be increased where foundation drain connection is allowed to sanitary sewers. The annual total can easily represent 30% of sewage plant flow.
- **WPCP Flows** – Due to I&I this is often more than the water produced and considerably more than the volume of water billed to customers.

Comparison of Water Vs. Wastewater Plant Volumes

The main water and wastewater plant flows over the past 3 years have been compared to determine the Hamilton experience. The 2002 percentage will reduce by year-end as the influence of the low fall and I&I period is added.

Hamilton Water Consumption vs. Wastewater Plant Volumes

Description	2002 (estimated)	2001	2000	1999
Water supply (000 m ³)	106,000	110,787	108,031	114,298
Wastewater treatment (000 m ³)	121,000	116,361	118,705	117,960
Wastewater treatment versus water supplied	114%	105%	110%	103%
Wastewater treatment versus water sales ⁽¹⁾	134%	124%	129%	121%
Weather influence	Dry summer – higher water usage	Dry summer – higher water usage	Wet summer – lower water usage	Dry summer – higher water usage

NOTE: (1) Sales based on water supply less an assumed level of 15% water system losses due to unaccounted for water (e.g. hydrant flushing, blow-outs, normal leakage, etc.).

During the spring, inflow and infiltration are high and wastewater flows are much higher than the volume of water supplied. During the summer, seasonal water use reverses this trend. Over the year, wastewater flows are higher than water supply due to I&I more than offsetting any non-sanitary water use such as lawn irrigation as well as non-sanitary use by industry such as for cooling and discharged elsewhere, evaporation or incorporation into product. The 2002 percentage includes estimated September through December volumes, based on 3 year actual volumes. The overall message is due to I&I flows entering the sewer system, consequently the actual volume of sewage in Hamilton that must be treated is about 20% to 30% higher than the volume of water used to calculate customers' water bills, depending on weather conditions.

Examples of Sewer Abatement Policies

The following is a brief overview of the wastewater charge abatement policies in other regions.

Durham Region:

- Residential appeals are not allowed.
- Minimum flow differential to qualify is 20% of water use.
- Originally the customer had to provide an engineer's report in support of the claim, but this was found to be not useful, or too cumbersome. Now the Region investigates the request and decides if the customer qualifies and the basis on which future wastewater billings should be calculated.
- A granted sewer rebate includes an increase in the actual wastewater flow volume by 25% to account for normal flow differential experienced by most customers.
- A staff report on each appeal is submitted to Council and is subject to its approval.

Peel Region:

- Residential appeals are not allowed.
- Non-sanitary flow by residential customers is recognized by an adjustment to their wastewater user charges. Wastewater charges for residential customers are based on 85% of water consumption. Also, there is a maximum wastewater charge per residential unit of 136 m³ quarterly (30,000 gallons).
- Non-residential customers can apply for reduced charges. There must be a flow differential of 25%.
- The applicant is required to submit a letter of intent to appeal. An engineer's report in support of the claim must be submitted within 6 months. If granted, the appeal is retroactive by 3 months prior to application.
- The engineer's report can certify the flow differential on the basis of production records, number of employees (at 25 gpcd sanitary) or any other basis supported by the engineer.
- The engineer's report is used to set the billing on a percentage basis. The wastewater billing is based on the report percentage plus 25% for infiltration (the same as Durham).
- This process is too reliant on estimates that are hard to verify and the Region is developing an alternative approach to the current engineer's report, possibly by requiring sewage flows to be metered.

Halton:

- Residential appeals are not allowed. Residential customers have a maximum sewer billing based on 30 m³/month, which removes any possible justification for residential sewer appeals.
- A customer pays \$750 to apply.
- This fee is paid to a Regional consultant who determines the level of sanitary flow and recommends whether the appeal is to be granted or denied.
- A summary of appeals granted or denied is submitted to Council annually.

- The basis of granted billing is that the sewer charge is based on the volume of sewage discharged plus a 25% equalization levy. There is a minimum charge based on 25% of water usage.

Haldimand Norfolk Region:

- The appeals process for this former regional government, was essentially the same as Durham's.

City of Toronto

- Applies to residential, industrial, commercial or institutional customers.
- An engineering report is required showing a water balance covering a minimum of five days, over a minimum of three separate occasions and include a seasonal variation. Annual verification by the customer is required.
- Cooling water discharged to storm sewers is not eligible.
- Eligibility varies with amount of water consumed:
 1. 0 to 1,500 m³/year sewage flow must be 20% less than water consumption
 2. 1,500 to 15,000 m³/year sewage flow must be 15% less than water consumption
 3. 15,000 to 1,500,000 m³/year sewage flow must be 10% less than water consumption
 4. over 1,500,000 m³/year sewage flow must be 5% less than water consumption
- The rebate shall be based on a rate set by Council. In 1999 the rebate was based on \$.3858 /m³ compared with a combined water and sewer rate. Toronto does not have separate water and sewer rates, but a rebate for non-sewer connection was 55.85% of combined water and sewer charges. When the bylaw was passed in 1999 the Etobicoke area had a combined rate of \$1.014. Thus the reduced sewer flow rebate appears to be at a percentage of 35%, that is not a full rebate.
- Toronto currently rebates 6 customers for a total rebate of about \$500,000 a year.

Reduced Wastewater Flow Rebate Policy Options

Criteria	Option 1 Status Quo	Option 2 Recommended	Option 3 Lower Minimum Bill
Threshold to qualify per account (1)		25% flow differential	20% flow differential
Minimum sewer surcharge		25% of water consumption	0 to 500,000 m ³ /yr – 20% Over 500,000 m ³ /yr - 10% (% of water consumption)
Add-back adjustment for I&I		(actual sewage volume x 133%)	(actual sewage volume x 125%)
Customer class		Non-residential	Non-residential
Discharge destination		To qualify, flow differential must not discharge to a City sanitary or combined sewer. Flows that are eligible include evaporation, incorporated into product or discharged to storm sewers.	
Substantiation		Engineer's report will be requested if process is complex	
Application charge		Full-cost recovery	Full-cost recovery
Recertification requirement		- Annual certification by customer - Full reapplication and review process every 5 years	

NOTE: (1) Flow differential is the difference between the volume of water purchased and the volume discharge to the sewer, also referred to as non-sanitary sewage flow.
Each of the criteria are discussed in more detail below:

- **Threshold to qualify per account** – A customer must have a given differential between water consumed and sewage discharged in order to qualify. The reason for this is that virtually all customers have some amount of flow differential. In particular, residential customers can easily use 20-25% of their water for non-sanitary purposes, primarily lawn and garden irrigation. To be fair to those customers who cannot apply, the threshold is set above a “normal” average flow differential level.
- **Customer class** – It would be impractical to include residential customers.
- **Discharge destination** – If the flow is to be treated by the City, then it does not qualify. Only flows that do not end up at the treatment plant can be considered.
- **Substantiation** – Experience in other municipalities that have had this process in place for a long period have found that except for more complex cases, the City evaluation process can identify whether an applicant qualifies and the best method for charging. This also avoids disputes between a customer report that lacks credibility and City findings. Note, the cost associated with substantiation will be borne by the applicant.
- **Application charge** – This charge is to offset the City staff or consulting cost of processing the application.
- **Add-back adjustment to volumetric sewage charge** – Essentially the percentage add-back to the actual sewage discharge volume this is a way of keeping a customer

with a granted appeal on the same basis as the remaining customers that do not have reduced sewage charges. They all pay for some flow differential, and so should a customer with a granted appeal. Another way to look at this situation is that the flow that must be treated at the plant is more than actual sewage discharge due to sewer inflow and infiltration (I&I). Typical customers have about 20% flow differential. Since they pay sewage charges on their flow differential, this part of their charge helps pay for the I&I flow. Customers with granted appeals should also help pay these costs and will do so by means of the add-back percentage. As long as they qualify for reduced charges, the add-back will still result in reduced charges. Note that the greater the reduction in sewage charges, the less the impact of the add-back percentage.

- **Minimum volumetric charge** – A minimum volumetric charge is applied since the sewer system must be maintained even if the volume discharged is low. Sewer systems are provided based on zoning and also involve more infrastructure for larger customers. The minimum charge ensures that large customers with large flow differentials continue to contribute some funds to the sanitary sewer system.
- **Recertification requirement** – This is to ensure that the basis for charging is up-to-date. Customers often refine processes or change product mixes and as a consequence might alter their water usage characteristics.

Abatement Appeal Process

- The appellant is to submit to the Director of Water and Wastewater Division, Transportation Operations & Environment a written outline of the basis of their wastewater surcharge appeal. Eligibility for a wastewater abatement is premised upon the receipt of an appeal subsequent to the approval of a wastewater abatement policy. The minimum allowable rebate is based on a flow differential (the difference between measured water consumption and wastewater volume discharged into the sanitary sewer system) of 25%.
- Following receipt of a written appeal a site visit would be arranged, with the exemption of facilities with any water meters is excess of 100mm in size. The on-site inspection would be attended by the engineering consultant(s) retained by the City and a representative from the City's Water/Wastewater Division.
- Subsequent to the site visit, the consulting engineer is to prepare a complete report outlining the degree of water flows not discharged into the Regional sanitary sewer system. It is based upon the content of this report that staff will assign the appellant with an appropriate wastewater discount factor.
- The appellant will be informed at the outset, that the appeal process, in keeping with the user pay approach to utility rates, will be subject to a charge premises on full-cost recovery for the initial processing charge as well as an on-going processing charge to cover the cost of periodic five year appeal reviews. The on-going charge will be applied only to those appellants ultimately receiving wastewater charge abatement in excess of \$500.00. Should the new appellant materialize a reduction of over \$500.00 per annum, a cost based on full-cost recovery would be charged to the appellant to finance the periodic review.
- Staff will annually prepare a report in conjunction with the Water & Wastewater Budget process, listing the names, addresses and discounts received by all appellants. In this way Council will be able to regularly review the impact of the abatement program and evaluate its merits.

The Commission has received a number of comments on the proposed changes to the rules governing the operation of the system. The Commission has taken account of these comments and has decided to make certain amendments to the proposed changes. The amendments are as follows:

1. The Commission has decided to amend the rules governing the operation of the system so that the system will be able to operate in a more efficient manner.
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City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 02-043

Tuesday, December 10, 2002

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.city.hamilton.on.ca
(click on "City Government")

MAIL NO 243
USA
5005

1. DECLARATIONS OF INTEREST

2. ADOPTION OF MINUTES

- 2.1 November 26, 2002 (to be distributed)

3. DELEGATION REQUESTS

- 3.1 Request to address the Hearings Sub-Committee by Chief Roberta Jamieson, Six Nations of the Grand River Territory respecting the "First Nations Governance Act"
- 3.2 Request to address the Hearings Sub-committee by Ms. Suzanne Brown, Social Planning and Research Council respecting report on poverty and homelessness in the community

4. CONSENT ITEMS

- 4.1 Declaration of Surplus Lands, 315 Dundas Street East (Chestnut Grove), Waterdown (CS02100) (Ward 15)
- 4.2 Firework Display - Hamilton Winterfest Carnival (CS02102) (Ward 2)
- 4.3 Procedural By-law Amendments (FCS02116) (City Wide)
- 4.4 Monthly Status Report of Tenders and Requests for Proposals - October (FCS02014(j))) (City Wide)
- 4.5 Glencairn Avenue and Central Avenue - Request for Northbound Stop Control (TOE02213) (Ward 4)
- 4.6 Glanbrook Landfill Co-ordinating Committee September and October Proceedings (TOE02209) (Ward 11)
- 4.7 Declaration of Surplus Lands, former Tweedside Church, 1145 Mud Street East, Stoney Creek (CS02098) (Ward 11)
- 4.8 Information Technology Strategy Update (FCS02140) (City Wide)
- 4.9 Removal of Holding Symbol for Block 163, Plan 62M-831, Tranquillity Avenue - Empire Foxwood Townhomes (PD02237) (Ward 12)

Agenda

- 4.10 Demolition Permit - 19 Dundurn Street North (PD02241) (Ward 1)
- 4.11 Demolition Permit - 17 Dundurn Street North (PD02240) (Ward 1)
- 4.12 Demolition Permit - 21 Dundurn Street North (PD02242) (Ward 1)
- 4.13 Request for the Payment of Cash-in-Lieu of Parking for the Property Located at 246 Dundurn Street South (former city of Hamilton) (PD02246) (Ward 1)
- 4.14 Declaration of Surplus Property - Rear of 1545 Stone Church road East, Hamilton (CS02099) (Ward 6)
- 4.15 Firework Display - Millgrove Park (CS02101) (Ward 15)
- 4.16 Amalgamation of the Hamilton Housing Corporation employees into the City of Hamilton Group Number for OMERS (FCS02132) (City Wide)

5. PRESENTATIONS

None

DISCUSSION ITEMS**6. CITY MANAGER**

None

7. COMMUNITY SERVICES

- 7.1 Aquafit User Fees (CS02001(b)) (City Wide)

8. CORPORATE SECRETARIAT

None

9. ECONOMIC DEVELOPMENT

None

10. FINANCE AND CORPORATE SERVICES

- 10.1 City of Hamilton Development Charge Reserves Status Report as at December 31, 2002 (FCS02073) (City Wide)
- 10.2 D.A.R.T.S. Operating Cost - Advance (FCS02134) (City Wide)

11. HUMAN RESOURCES

None

12. PLANNING AND DEVELOPMENT

- 12.1 The Fees for Services/Activities By-law, Building and Licensing Division (PD02119) (City Wide)
- 12.2 The Roles and Responsibilities of the Committee of Adjustment - Follow-up report to Outstanding Business Item V (PD02116(a)) (City Wide)
- 12.3 Sign Variance Application SV-02-02 for Part Lot 30, Concession 1 (Former Town of Flamborough) (PD02238) (Ward 14)

13. SOCIAL AND PUBLIC HEALTH SERVICES

- 13.1 Bus Pass Subsidy Program for Individuals on Ontario Disability Support Program (O.D.S.P) (SPH02030) (City Wide)
- 13.2 The 2003 National Child Benefit Interim Strategy SPH02016(a)) (City Wide)

14. TRANSPORTATION, OPERATIONS AND ENVIRONMENT

- 14.1 2003 Fare Increase Options (TOE02218) - (City Wide)

15. JOINT DEPARTMENTAL REPORTS

None

16. REPORTS BY SUB-COMMITTEES

- 16.1 Councillors' Remuneration and Expense Review Committee - One Third Expense Allowance (FCS02139)

17. REPORTS BY THE VOLUNTEER CO-ORDINATING COMMITTEES

None

18. MOTIONS

None

19. NOTICES OF MOTIONS

None

20. GENERAL INFORMATION

None

21. PRIVATE AND CONFIDENTIAL

None

22. ADJOURNMENT

OUTSTANDING BUSINESS

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
A.	Report on Colliers Recommendations – HECFI Facilities	March 28/01	Community Services		2002 - Q1
B.	Demolition of 226 Avondale Street	April 25/01	N/A		TABLED by Ward Councillor
C.	Toll for Red Hill Creek Expressway	Nov 21/01	TOE/Finance	Staff to bring a report back on option for tolling Red Hill Creek Expressway	Awaiting Provincial Regulations
D.	Spreading of Biosolids	Nov 21/01	Transportation and Environment	TABLED pending Staff report	
E.	Community Safety Zones	Dec5/01	Transportation and Environment	Tabled at Community Safety Zones Sub-Committee	
F.	People's Panel	Dec5/01	TBD	Staff to report back on financial and staffing implications, selection process, terms of reference and implementation timeline	
G.	Council Communication - Residential Care Facilities	Jan. 23/02	Social and Public Health Services	Referred to staff for comments	
H.	Strategy to attract Factory Outlet stores	Feb. 13/02/further updated on August 6/02	Economic Development	Staff to bring implementation plan to Committee	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
I.	Strategy for prioritizing abandoned industrial and commercial warehouse structures	Feb. 13/02 Aug. 13/02 follow-up request made	CMT	Staff to bring implementation plan to Committee	
J.	Revenue issues regarding billings and chargebacks	HSC - February 20/27	Finance and Corporate Services	Referred to staff for a report back	December 2002
K.	Remuneration and Expenses	March 5/02	Finance and Corporate Services	Staff to report back in future reports highlighting offsetting revenues which create a net expenditure, consultation with Councillors, indication of expenses authorized as Council expenses	March 2003
L.	Pest Control	May 7/02	Planning and Development	Staff to report back on control of pests/rodents prior to demolition permit issued	
M.	Hannon Post Office	May 7/02	Corporate Secretariat	Staff to report back on possibility of address changes that align with telephone exchanges	
N.	Correspondence from Hamilton District Labour Council/HUC Corporation Position Paper	Apr. 30/02	F&CS and HUC	Staff to bring report back	
O.	HR Matters	May 7/02	Economic Development	Staff to report back	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
P.	Municipal Tax Competitiveness Study	May 23/02	Finance and Corporate Services	Referred to a Future COW in September	Nov./02
Q.	Options for returning profits - Hydro	June 10/02	Finance and Corporate Services	Staff to report back with options for returning profits	
R.	Capital Program to modify mountable curb driveway approaches	July 2/02	TOE	Three sections tabled pending public consultation	
S.	Uncovered crossovers on highways	August 6/02	Risk Management and Legal	Staff to bring report back on uncovered crossovers on highways	
T.	Delivery of ambulance services, response times, standards, dispatch	August 6/02	Chief Peace	Staff to bring report back on status of delivery	
U.	Floating Casino - West Harbour	August 13/02	Legal Services	Staff to report back on feasibility of securing a casino license for floating casino	Nov./02
V.	Downtown cleanliness	August 13/02	TOE	Staff to report back on how much it cost to keep the downtown clean prior and during FCM	
W.	Correspondence from Ministry of Transportation respecting Highway 6 from Highway 5 to Concession	Council Communication of July 10, 2002	TOE	Staff to report back to Committee of the Whole	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
X.	Correspondence from Mr. Reginald Beaudry respecting Tree Species List	Council Communication of September 11, 2002	Community Services	Staff to report back to Committee of the Whole as part of the Forestry Management Plan exercise	
Y.	Hamilton Future Fund	Sept. 10/02	Finance and Corporate Services	Staff to provide monthly reports to Council and Trustee Panel on the approved projects to assist in monitoring	Ongoing
Z.	Services Review - City Maintenance Operations	Sept/10/02	City Manager	City Manager to provide ongoing and final reports to Council on behalf of the Services Review Committee	Ongoing
AA.	Report of the Accommodations Study Sub-Committee	Sept. 10/02	Community Services	A meeting of the sub-committee to occur. Staff directed to report back	Nov./02
BB.	Motion - ODSP Bus Pass	Sept. 10/02	Social and Public Health	Staff to report back on feasibility of a subsidy program	
CC.	Fee Waiver Policy	Sept. 10/02	Community Services	Staff to report back as part of the annual budget on the extent to which the City subsidizes third party use	Budget Deliberations

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
DD.	Hamilton's Wastewater System	Sept. 17/02	TOE	Staff to investigate possible partnership re: dredging of the Windemere basin, Updates on compliance, overstrength and surcharge agreements	
EE.	Subsection g) HMRF/HWRF Pension Administration Sub-Committee Report	Sept. 24/02	COW	Tabled pending delegation from Hamilton Police Association appearing at HSC	
FF.	Development charges and building permit fees for the Hamilton Regional Cancer Centre and St. Joseph's Healthcare	Sept. 17/02	City Manager/ Finance and Corporate Services/ Planning and Development	Deferred for one month	November/ 02
GG.	By-law to regulate postering of signs on public property	Sept. 17/02	TOE & FCS	Staff to prepare by-law to regulate	
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CHAPTER 10

CHAPTER 10: THE HISTORY OF THE UNITED STATES

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CITY OF HAMILTON

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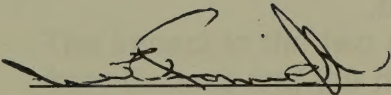
COMMUNITY SERVICES DEPARTMENT
Culture & Recreation Division

Report to: Mayor and Members Committee of the Whole	Submitted by: William E. Fenwick, A/General Manager
Date: November 12, 2002	Prepared by: Dale Wood 546-4610

SUBJECT: Indoor Soccer facility - Unsolicited Proposals (CS02096) (Ward 3)

RECOMMENDATION:

- a) That Council direct staff to prepare a Request For Expressions of Interest (RFEI) to construct and operate a seasonal indoor soccer facility in partnership with the City of Hamilton;
- b) That staff report back to Council once the Expressions of Interest have been received for Council consideration.



William E. Fenwick, A/General Manager
Community Services Department

EXECUTIVE SUMMARY:

Staff is in receipt of two separate and independent unsolicited proposals to construct a permanent indoor soccer/sports facility on city property. The two proposals are based on securing land and support costs from the city to construct an indoor soccer/sports facility that would provide seasonal and year round facilities for training and programs.

Staff have reviewed the two proposals and have outlined three options for council's consideration. Should Council decide to pursue and partnership to operate an indoor soccer/sport training facility staff would recommend that a Request For Expressions of Interest be posted publicly to determine what interest currently exists in the community.

BACKGROUND:

In the fall of 2001, the city received two separate unsolicited proposals from proponents interested in working with the city to construct large scale permanent indoor soccer facilities. While each proposal was unique in its overall operation and size, both proponents were requesting the City to absorb the cost of land (7-10 acres) and site servicing.

Council is aware that the Community Services Department has just completed a Parks, Culture, and Recreation Master Plan. The final document was presented to City Council in June of 2002 and staff acknowledge that there are a number of existing deficiencies that rank higher in terms of municipal priorities. The two proponents identified the need for indoor soccer facilities based on the current registration members for children in outdoor soccer as 17,000. The Hamilton and District Soccer Association, in a letter dated January 10, 2000, indicated there were 18,000 plus soccer players registered and in winter of 1999, 500 players were registered in indoor programs. Due to insufficient indoor facilities there are other players commuting to facilities outside Hamilton to play. The Master Plan studied did not substantiate the need for indoor soccer identified by the proponents as well as the Hamilton Minor Soccer Association.

The sport of soccer has witnessed unprecedented growth over the past 8 years due in large part to the popularity of the 1994 World Cup of Soccer. While the majority of the soccer interest in Hamilton is accommodated throughout the spring and summer season on outdoor surfaces, there remains a year-round interest within the sport.

At this time, staff cannot support either proposal based solely on their proposed requirements to construct permanent buildings on City parkland.

ANALYSIS OF ALTERNATIVES:

OPTION 1

Direct staff to conduct a Request For Expressions of Interest (RFEI) to construct a new facility and/or operate a current indoor soccer/sports facility at no cost to the City of Hamilton.

This option does not limit the city's options to explore other types of partnerships to address the indoor soccer and other sport related training needs that may be available.

The two current proponents would have an opportunity to resubmit their proposals under a city directed Requests For Expressions of Interest which would provide for a wider scope of alternatives. This option could explore seasonal vs. year round, permanent vs. temporary, or even use of current city owned facilities. Staff would review the RFEI and report back to Council to seek further direction.

**SUBJECT: Indoor Soccer facility - Unsolicited Proposals
(CS02096) (Ward 3) - Page 3 of 4**

Staff are recommending Option 1 which allows Council an opportunity to explore a variety of options for operating indoor soccer that are not presented in either of the two proponents submissions such as conversion of an existing city owned facility.

OPTION 2

Receive the two unsolicited proposals for information and direct staff to prepare an Request for Expressions of Interest (RFEI) to construct an indoor facility on City owned land. This option would address the needs of the two separate proponents to have their proposals reviewed by Council.

This option would limit the city's options in terms of maximizing use of current facilities or entertaining other opportunities that could present themselves through the Commonwealth Games or Quad Pad projects.

Therefore, staff are not recommending Option 2 as it would limit the City to focus on addressing an indoor soccer and sport training need.

OPTION 3

Receive the two unsolicited proposals for future reference.

This option would allow Council the time to assess the opportunities that may be made available through the other initiatives that staff are currently working on. For example, under the Quad proposal there could possibly be opportunities to convert one or more existing arena facilities to new uses such as indoor soccer.

The impact to the two proponents is a delay in receiving commitment to their proposal from Council and the risk of not being considered for a partnership on one or more of the opportunities.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

OPTION 1 and 3 could see major capital contributions from other sources to construct facilities that could provide the needed space identified in the two proponents.

OPTION 2 has potential capital implications associated with site development that staff cannot support. Staff's preference is to see a third party operator provide for all of the direct capital and operating expenditures.

POLICIES AFFECTING PROPOSAL:

Alternate Service Delivery Policy: The intent of this report is to explore the interests that may be available from the community to operate an indoor soccer/sport facility.

Should Council wish to explore any of the submissions a further Request For Proposal (RFP) would be prepared that would seek to establish an ASD with one or more parties.

Purchasing Policy: This report addresses only an exploration of interest to enter into a partnership.

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

Staff from the following Division have been consulted in the formulation of this report:

Community Services Department

- Design and Construction
- Corporate Buildings and Real Estate
- Parks
- Culture and Recreation

Corporate Services

- Finance Division
- Purchasing Division

Community

- Hamilton District Soccer Association

CITY STRATEGIC COMMITMENT:

This initiative is consistent with the objectives of Vision 2020 and the following City Strategic Goals:

Attracting and Retaining Business

- Facilitating the opportunity for off-season use of city facilities will support new business opportunities
- Will also improve economic development through accommodating year round interest in soccer and indoor sports.

Community Well Being and Capacity Building

- To develop cultural institutions, public facilities and parks/open spaces which inspire community pride and sense of place.
- To build and develop the capacity of individuals, community organizations, the private and non-profit sectors to be self reliant.
- To develop our economic, social and physical environments so as to enable the participation of all citizens and communities in local and regional community life.

Parks, Culture and Recreation Master Plan

- Retrofitting city owned facilities before installing new
- Partnership arrangements.

CITY OF HAMILTON

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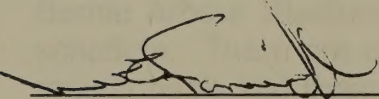
**COMMUNITY SERVICES DEPARTMENT
Culture & Recreation Division**

Report to: Mayor and Members Committee of the Whole	Submitted by: William Fenwick, Acting General Manager
Date: October 28, 2002	Prepared by: Bill Fenwick 546-2314

**SUBJECT: Request for Canadian Baseball League Franchise in Hamilton
(CS02091) (Ward 6)**

RECOMMENDATION:

- (a) The report CS02091 regarding the request for a Canadian Baseball League franchise in the City of Hamilton, be received for information;
- (b) That staff continue discussions with the Canadian Baseball League to possibly host a team franchise for the 2004 season and beyond;
- (c) That staff discuss the proposal with the community organizations to establish local support.


William Fenwick, Acting General Manager
Community Services Department

EXECUTIVE SUMMARY:

This report is to inform Council that the City of Hamilton has been approached by the Canadian Baseball League to host a team for the 2003 season and beyond. The report explains the two alternative proposals that have been offered to the City and seeks Council direction on how to proceed.

BACKGROUND:

The recommendations/information contained in report CS02091 have implications pertaining to Ward 6.

**SUBJECT: Request for Canadian Baseball League Franchise in Hamilton
(CS02091) (Ward 6) - Page 2 of 4**

In early 2002, the City of Hamilton was approached by representatives of the Canadian Baseball League to host a team for the 2003 season and beyond. The Canadian Baseball League sees the City of Hamilton as well located geographically, and they feel that the team would bring an economic benefit along with the other professional teams, namely the Hamilton Tiger-Cats and the Hamilton Thunder Soccer Club.

Through discussions with the Economic Development and Tourism Hamilton, it is staff's opinion that the economic benefits outlined in the Canadian Baseball League's proposal may be overstated.

The location being pursued is Bernie Arbour Stadium at the Mohawk Sports Park.

Since discussions, two proposals have been suggested by the Canadian Baseball League:

Proposal #1

The Canadian Baseball League will commit to a ten-year agreement with the City of Hamilton if the City were to make the necessary minimum upgrades to Bernie Arbour Stadium. The Canadian Baseball Leagues estimates the cost of these minimal improvements at approximately \$150,000.

Such upgrades would include:

1. Replacing the infield dirt with shale.
2. Windscreen all of the fences surrounding the park (interior and exterior).
3. Plastic cap the top of the outfield fences and safety cap all internal fences around the playing surfaces.
4. Construct a set of concrete dugouts.
5. Sand and repaint all wooden bleachers and press box.
6. Install new speaker/PA system.
7. Install new scoreboard.
8. Install foul poles.
9. Install flag poles beyond the outfield fence.
10. Recalibrate lighting and replace bulbs where necessary.
11. Paint grandstand buildings (interior and exterior).
12. Install new back stop netting.
13. Install mesh siderails.

As a second phase to these improvements, the following could be introduced at a later date:

1. Installations of premium seating (club seats).
2. Replacing wooden bleachers.
3. Installing a grandstand canopy to protect against the elements.
4. Install new cubicles in both clubhouses.
5. New tarps for proper maintenance of field.

**SUBJECT: Request for Canadian Baseball League Franchise in Hamilton
(CS02091) (Ward 6) - Page 3 of 4**

Staff have analyzed the improvements suggested in the First Phase (estimated \$150,000) and calculate the cost to be approximately \$232,200 with a maintenance impact of \$3,250 per year.

Proposal #2

The league is aware of the City's current financial situation and in consideration of present circumstances, the Canadian Baseball League is willing to work with the City. As such, a second proposal was submitted after the Canadian Baseball League recognized that the Stadium improvements may be a budget problem.

The Canadian Baseball League will complete all of the Stadium improvements at their expense if the following conditions are met by the City of Hamilton:

1. That the Canadian Baseball League receive a 10 year free rent lease of Bernie Arbour Stadium in lieu of upgrading the Stadium (as noted in Proposal #1);
2. That the Canadian Baseball League receive the naming rights for Bernie Arbour Stadium for the term of the lease in order to help subsidize Stadium improvements. A large plaque would be created to honour Mr. Arbour; and
3. That the City of Hamilton streamlines the permit process for the renovation by expediting the permits for the Canadian Baseball League at the Cities cost and administration time.

ANALYSIS OF ALTERNATIVES:

Both proposals will have to consider the current community organizations that use Bernie Arbour Stadium and re-schedule them around the Canadian Baseball League schedule. There are currently five (5) baseball organizations that use the facility on a regular basis and three organizations that use the facility for special events. The facility is used seven (7) days a week at various times throughout each day.

Staff are of the opinion that both proposals directly affect the current community organizations and the financial obligations and/or the naming rights are such that staff cannot support them, at this time.

The Canadian Baseball League would like to establish themselves in south western Ontario and are seeking interest from Cities such as Hamilton, London and Welland to host a team for the 2003 season. The City of London has received Council approval and have signed an agreement with the Canadian Baseball League; and the City of Welland is preparing an agreement to be considered by the Canadian Baseball League.

It is staffs understanding that since the Canadian Baseball League has established host communities, with teams in London and possibly Welland, that the Hamilton situation is not a priority for the upcoming 2003 season.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Implications would be dependent on which proposal is selected.

POLICIES AFFECTING PROPOSAL:

Exclusivity to naming rights, scheduling and operation of concessions.

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

Corporate Buildings & Real Estate
Parks Division
Legal Services
Tourism Hamilton – Economic Development Department

NB: At this time, there has been no discussion with the local Baseball organizations until staff receives a clear direction from Council.

CITY STRATEGIC COMMITMENT:

CITY OF HAMILTON

7.3

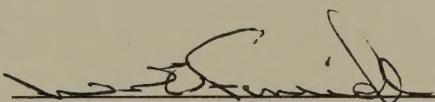
**COMMUNITY SERVICES DEPARTMENT
Parks Division**

Report to: Mayor and Members
Committee of the Whole
Submitted by: William E. Fenwick,
Acting General Manager
Date: November 21, 2002
Prepared by: Alan Dore 546-4334

**SUBJECT: Emergency Shoreline Stabilization Works at 12 & 14 Trillium Avenue,
Hamilton (CS02095) (Ward 11)**

RECOMMENDATION:

That the emergency shoreline erosion stabilization works to the City owned properties located at 12 and 14 Trillium Avenue, to an upset limit of \$45,000, be funded from the Stoney Creek Parkland Dedication Reserve – 117021.



William E. Fenwick, A/General Manager
Community Services Department

EXECUTIVE SUMMARY:

City owned Lakefront properties located at 12 and 14 Trillium Avenue in Ward 11 require immediate shoreline works to control ongoing erosion and avoid damage to adjacent private properties. A Preliminary cost estimate for the emergency works identifies required funding of approximately \$40,000 - \$45,000 to complete shoreline stabilization.

BACKGROUND:

The former City of Stoney Creek acquired #12 and #14 Trillium Avenue for future public parkland purposes. (Refer to Appendix A):

Address	Location	Acreage
12 Trillium Avenue	Lakefront	0.1 Acres
14 Trillium Avenue	Lakefront	0.1 Acres

Further park planning works are required to establish an appropriate master plan for parkland in this area, thereby confirming the long-term role for each of the properties. — In the interim, the instability of the shoreline of #12 and 14 Trillium must be addressed, regardless of the nature of the future use of the lots, as neither of the two properties have a breakwall in place. In their present condition, the properties appear to have eroded some 4 meters causing two large trees to fall over. These works will be required to be completed prior to the winter months and before the spring as the spring season produces the most violent storms resulting in easterly winds, which cause the most severe erosion conditions. If the erosion is allowed to continue without remedial stabilization works, the breakwall of the adjacent property owner(s) will be affected. (Refer to Appendix B)

ANALYSIS OF ALTERNATIVES:

- (a) Council may provide funding for immediate short-term remediation to allow for slope stabilization to prevent further erosion by Lake Ontario.
- (b) Council may decide to take no action at this time which would likely result in the continued loss of property assets and potential future liability with abutting landowner.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Inaction to remediate active shoreline erosion on the subject municipal properties, may result in damage claims by the adjacent property owner.

Currently, the Stoney Creek Parkland Dedication Reserve has a balance of \$1,100,872.

POLICIES AFFECTING PROPOSAL:

Staff will ensure that the necessary permits are obtained prior to the commencement of the shoreline stabilization works, in accordance with affected legislation – Ministry of Natural Resources.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Internal Consultation:

Design and Construction
Parks Divisions
Finance
Legal

External Consultation:

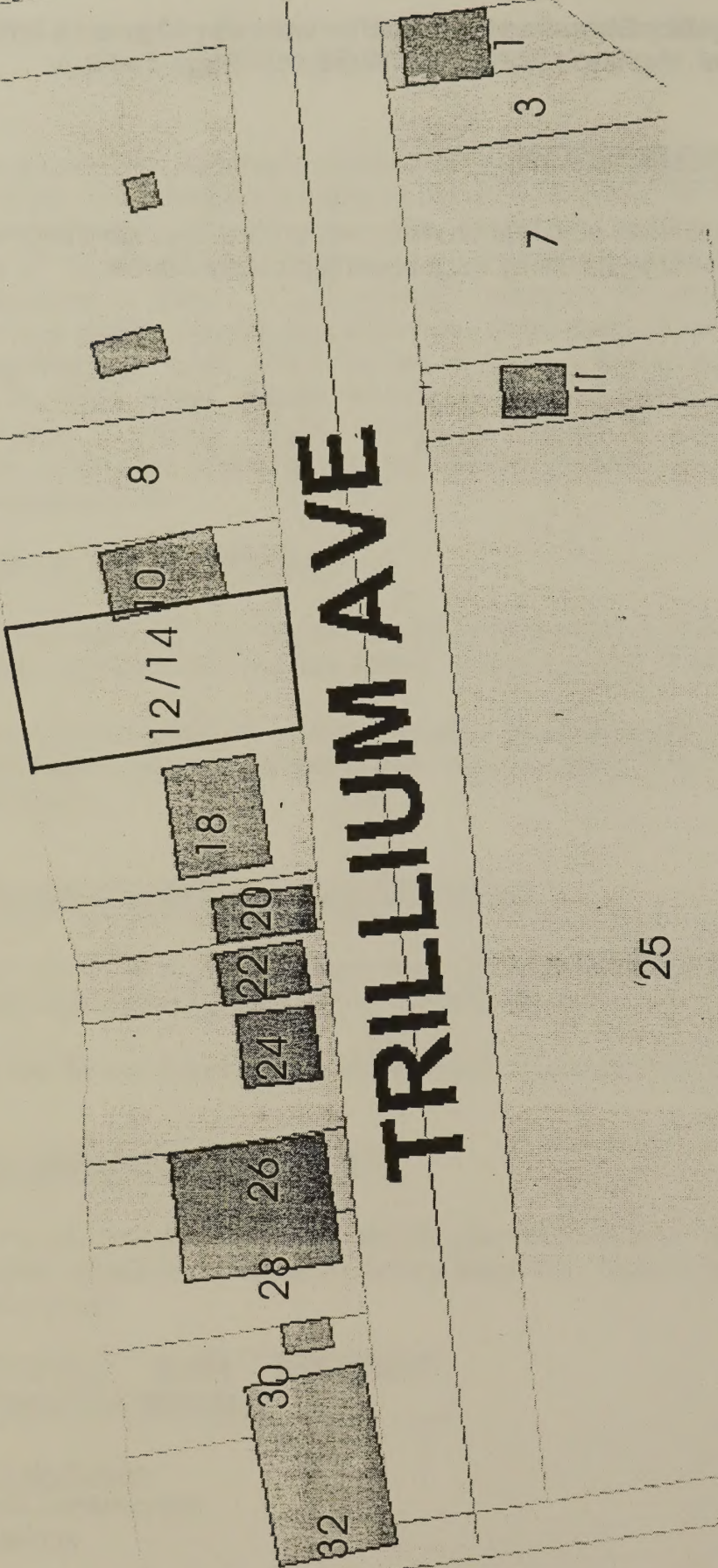
Ministry of Natural Resources

CITY STRATEGIC COMMITMENT:

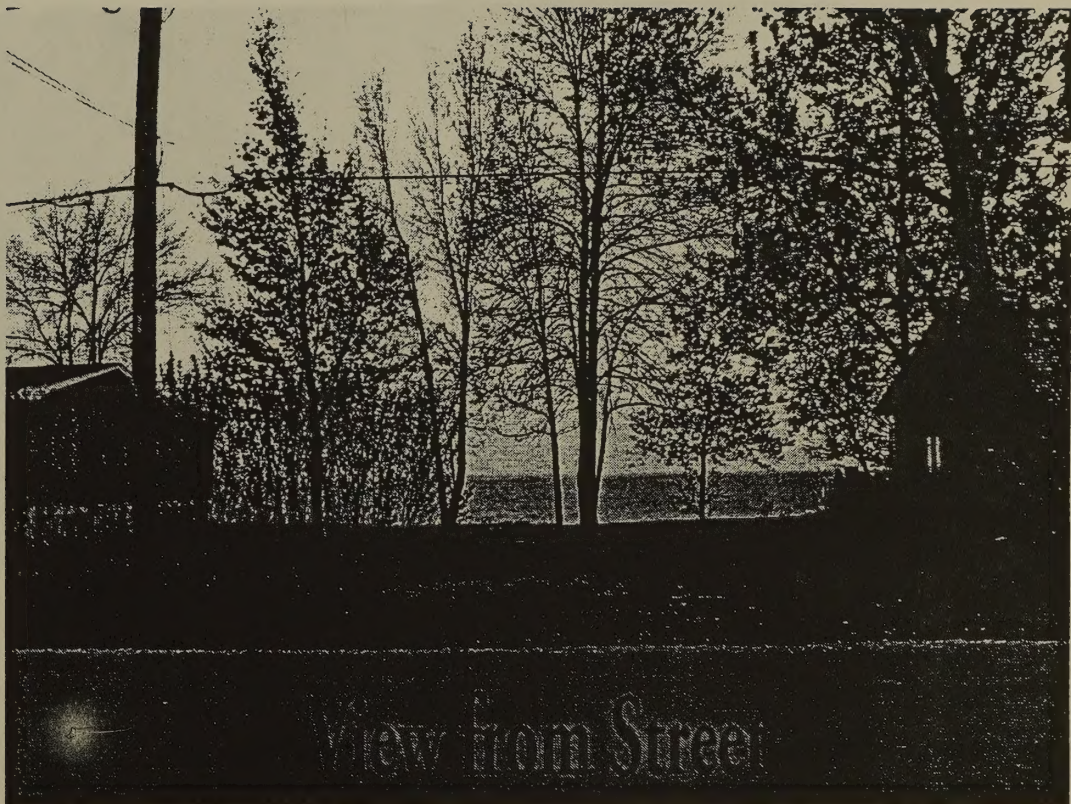
Performance of the shoreline stabilization works will preserve a municipal property asset and manage risk of damage claims by neighbouring property owners.

APPENDIX A

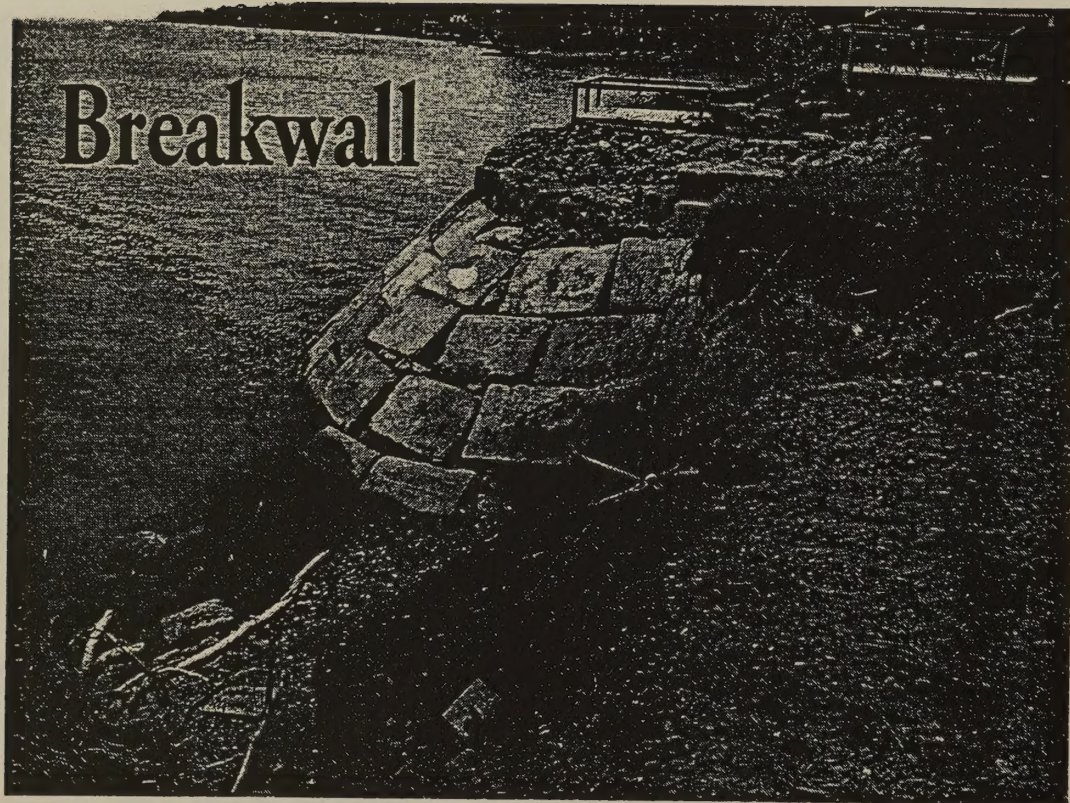
TRILLIUM AVE



APPENDIX B



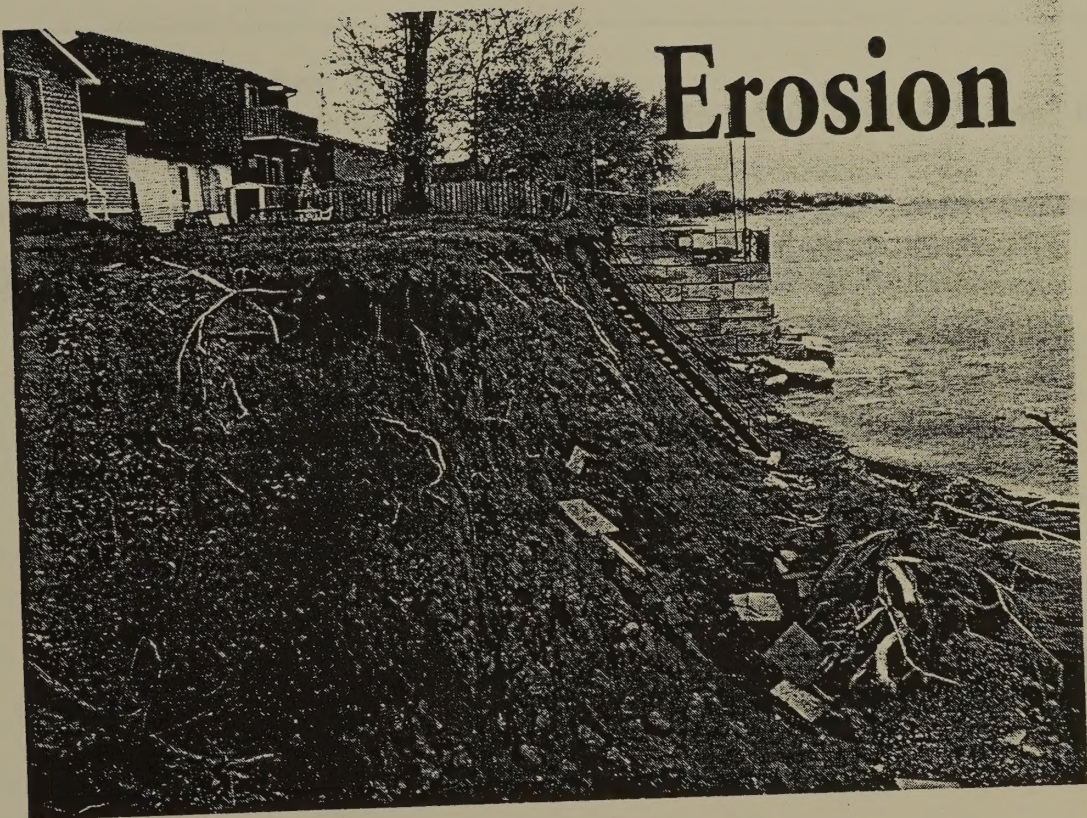
Breakwall



CITY OF HAMILTON

COMMUNITY SERVICES DEPARTMENT
Design and Construction Division

7.4



CITY OF HAMILTON

COMMUNITY SERVICES DEPARTMENT
Design and Construction Division

7.4

Report to: Mayor and Members of
Committee of the Whole

Submitted by: William E. Fenwick
A/General Manager,
Community Services

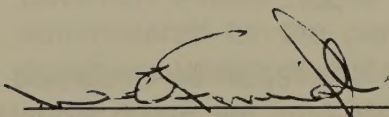
Date: November 28, 2002

Prepared by: Domenic Lunardo x 3982

SUBJECT: Memorandum of Understanding
Partnership with YMCA at South Mountain Project/Turner Park
(CS02033(b)) (City Wide and Ward 7)

RECOMMENDATION:

- (a) That the Memorandum of Understanding between the City of Hamilton, the Hamilton Police Services Board, the Hamilton Public Library Board, the YMCA of Hamilton/Burlington, as per Appendix A, be approved;
- (b) That staff bring forward, to a future Committee of the Whole, any formal agreement(s) with respect to this partnership for Council approval;
- (c) That a copy of this report and a copy of the Council resolution respecting this issue be forwarded to the respective Boards of the Hamilton Police Services, Hamilton Public Library and YMCA;



William E. Fenwick, A/General Manager
Community Services

EXECUTIVE SUMMARY:

The purpose of this report is to obtain approval of the Memorandum of Understanding, (MoU), between the City, Library and Police Services Boards and the YMCA of Hamilton/Burlington for joint development of the South Mountain Complex at Turner Park. The inclusion of the Library is subject to capital funding approval in 2003 and 2004 or whenever approved.

The MoU is a letter of intent whereby the partners agree to jointly develop the South Mountain Project based on nine (9) "partnership principles." The "partnership principles" were included in report number CS02033(a) and approved by Council at its meeting of October 09, 2002. Refer to Appendix A, Schedule 1.

In addition, the MoU also includes a governance model for the partnership. This includes the establishment of Land leases with each of the partners for Exclusive Areas and Common Areas. The Common Areas of the project will be leased to and administered by the partners on a joint basis. Each of the partners will name nominees (senior staff) to the South Mountain Project Committee (the Committee).

The partners will also have a 75-year lease for the land with the City. The total land area will be approximately 15 acres. A Registered Plan will be prepared outlining the limits of the lease within Turner Park. At the end of the lease term the land and YMCA building will revert to the City. The inclusion of the library in the MoU is subject to Council approving capital funding for the library in 2003 and 2004 or whenever approved.

In order to effect the legal relationship necessary to properly and appropriately carry out the goals and objectives of the South Mountain Project, the partners shall enter into a tenancy-in-common agreement (the TIC Agreement). The TIC agreement shall be the central document governing the relationship of the partners and the operation of the project. The TIC Agreement shall also provide for a Design and Construction Sub-committee and an Operations Sub-committee.

A community meeting with respect to this partnership was held at Michelangelo's Banquet Centre on Tuesday October 29, 2002. Approximately 50 residents were in attendance (33 signed the attendance sheet). The project was well received by residents with overwhelming support of the partnership.

BACKGROUND:

At the meeting of October 09, 2002, Council approved, in part:

- "(a) That the "partnership principles" as outlined in this report be endorsed as the basis for continuing negotiations with the YMCA for the South Mountain Project at Turner Park;
- (b) That staff be directed to hold a neighbourhood consultation meeting to obtain community input on the "partnership principles" and possible partnership with the YMCA, and that this meeting be held in the third week of October 2002, (tentatively October 24, 2002);
- (c) That staff bring forward recommendations to a future Committee of the Whole meeting in late November 2002, (tentatively November 26, 2002),

with respect to a potential partnership with the YMCA for recreational services as part of the South Mountain Project;

- (d) That a copy of this report and a copy of the Council resolution respecting this issue be forwarded to the respective Boards of the Hamilton Police Services, Library Services and YMCA;
- (e) That any City Capital Contribution towards this project be submitted for consideration in the 2003 budget process."

Based on the above noted direction staff has proceeded with the preparation of the Memorandum of Understanding as well as holding a community meeting. Details of the Memorandum of Understanding and results of the Community meeting are summarized in the Analysis of Alternatives section of this report.

ANALYSIS OF ALTERNATIVES:

Summary of Memorandum of Understanding

Partnership Principles

The MoU is a letter of intent whereby the partners agree to jointly develop the South Mountain Project based on nine (9) "partnership principles." The "partnership principles" were included in report number CS02033(a) and approved by Council at its meeting of October 09, 2002. Refer to Appendix A, Schedule 1. The inclusion of the library is subject to Council approving capital funds for the library in 2003 and 2004 or whenever approved.

Governance Model

The MoU also includes a governance model for the partnership. This includes the establishment of Land leases with each of the partners for Exclusive Areas and Common Areas. The Common Areas of the project will be leased to and administered by the partners on a joint basis. Each of the partners will name nominees (senior staff) to the South Mountain Project Committee (the Committee).

The partners will also have a 75-year lease for the land with the City. The total land area will be approximately 15 acres. A Registered Plan will be prepared outlining the limits of the lease within Turner Park. At the end of the lease term the land and YMCA building will revert to the City.

In order to effect the legal relationship necessary to properly and appropriately carry out the goals and objectives of the South Mountain Project, the partners shall enter into a tenancy-in-common agreement (the TIC Agreement). The TIC agreement shall be the central document governing the relationship of the partners and the operation of the project and shall provide for:

- The calculation and payment of expenses related to the operations of the Project Common Areas and shall specify the initial capital contribution of each of the members in respect thereof;
- A mechanism for the payment of ongoing operating and capital renewal expenses for Common Areas; and
- A detailed arbitration and alternative dispute resolution among the partners.

The TIC Agreement shall also provide for a Design and Construction Sub-committee and an Operations Sub-committee.

The Operations Subcommittee would be responsible for:

- The appointment of staff and arrangements of contracts for management and operations of common areas, the establishment and approval of budgets and maintenance and financial records;
- Third party leases, including negotiation and administration of contracts;
- Protection of assets and limitation of risks and provision for capital renewal;
- Allocation and scheduling of Common Areas;
- Appointment of professional advisors.

The Operations Subcommittee will continue to meet as required for the length of the lease and the TIC Agreement.

The Design and Construction Sub-Committee shall be comprised of various nominees of the Members including the Director of Design and Construction for the City of Hamilton. This Sub-Committee shall be designated with the tasks of overseeing and administering the contracts and implementation during the design and construction period of the Project. The Design and Construction Sub-Committee shall terminate with the successful completion and commissioning of the project.

Outstanding Issues - Development Charges

As per the Memorandum of Understanding, at the end of the 75-year lease, the building and land on which the YMCA is located would revert to the City.

Therefore, under this proposed agreement between the City of Hamilton and the YMCA of Hamilton Burlington, council could deem this development a Municipal Capital Facility since this proposed development meets the definition contained in the Municipal Act (Ontario Regulation 46/94 amended to 189/01), that is;

- a) "the municipal capital facilities are primarily used for local community activities."
- b) (6.1a) "the municipality.....will own on reversion of the property, the municipal capital facilities, including the land where they are situate."
- c) (6.1b) "the council has declared by resolution that the municipal capital facilities are for the purposes of the municipality and are for public use."

This proposed agreement would be signed in 2003. As such, the Municipal Act, 2001 (which comes into force January 1, 2003) would come into effect. It states that, " Despite the Development Charges Act, 1997, a by-law passed under subsection (6) may provide for a full or partial exemption for the facilities from the payment of development charges imposed by the municipality under that Act."

In conclusion, this development would be exempt from development charges once council deems this development a municipal capital facility, due to the ownership reversion inherent in the proposed agreement and municipal-type services that would be provided.

Results of Community Meeting

As directed a community meeting was held on Tuesday October 29, 2002 at Michelangelo's Banquet Centre. Approximately 50 residents were in attendance (33 signed the attendance sheet). The project was well received by residents with overwhelming support of the partnership. There was no opposition to the partnership expressed at the meeting. To date Staff have received two formal notes of support.

A number of residents requested input into the design of the complex. Staff advised that another community meeting would be held in the future to discuss the design of the facility.

2003 Budget Impacts and Beyond

One of the "partnership principles" identified in the Memorandum of Understanding is to bring forward the consideration of the design and construction of the Library component of the partnership to coincide with the development of the YMCA facility. To address this issue, staff have submitted a capital budget sheet for the Library. The budget sheet requests \$400,000 in 2003 for design development. The remaining funds, (\$7,300,000), would be required as part of the 2004 capital budget. As previously reported there would be no operating budget impact for the recreation component. However, the library operating impact would be approximately \$1,335,000 per year commencing in 2005, if the Library capital budget were approved in 2004. Approval of the MoU and of the design stage does not commit the City to build the library at the same time as the YMCA. Construction of the library portion of the complex could be delayed but should be designed so that it fits into the complex. It may be possible to save design funds by only creating conceptual plans for the library in 2003. Operating costs will be reviewed.

The Police component is now under construction with a completion date scheduled for October 2003, weather permitting. The net operating expense for the Police component is approximately \$1,300,000 per year, with the majority being incurred in 2004.

Inclusion of Library

One of the "Partnership Principles" identified in the original Community Services Department report (CS02033a) dated October 9, 2002 was the inclusion of the library component as follows.

"PARTNERSHIP PRINCIPLE

That the design and construction of the Library be developed jointly with the YMCA facility.

That the schedule for the development of the Library, at Turner Park, be revised to the year 2003 for design fees and 2004 for construction and all other costs to coincide with the development of the YMCA;"

This principle remains unchanged. While it is the long term objective of the Library Services Board to locate at Turner Park and be part of the partnership, the YMCA, (and project team), recognizes that the inclusion of the Library in this project is subject to Council approval as noted in the above noted principle. Notwithstanding the above, the YMCA is prepared to proceed with the partnership.

As part of the 2003 capital budget process, staff have included design fees in the amount of \$400,000 for the Library component. The approval of this item in 2003 would allow staff to effectively plan and design the library component jointly with the YMCA facility and all common spaces, including the site and the police station component.

Therefore, the inclusion of the library as part of the Memorandum of Understanding as per Appendix A is subject to Council approval of capital funds for the library in 2003 and 2004 or whenever approved.

Approvals of YMCA, Police and Library Boards

At the time of writing this report, final approval from the YMCA, Police and Library Boards has not been confirmed, however, senior staff from each of the services has been keeping their respective boards informed of the process.

Project Schedule

Should Council approve the Memorandum of Understanding as per Appendix A, the following is a summary of key tasks and target dates.

Task	Target Date
Committee of the Whole – Report "Memorandum of Understanding"	December 10, 2002
Council Approval – "Memorandum of Understanding" Including approvals from YMCA/Police/Library Boards	December 11 through December 31, 2002
Finalize technical agreements of partnership	Q2 – 2003

Subject: Status Report – Possible Partnership with YMCA at South Mountain Project/Turner Park (CS02033(b)) (City Wide and Ward 7) - Page 7 of 9

Design development	Q4 – 2003
Construction	2004
Opening	Q2 - 2005

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

From a financial perspective, the YMCA Partnership model achieves the following financial goals;

- a) Has a minimum tax levy impact by reducing overall capital costs to the City of Hamilton.
- b) A smaller City financial contribution leverages a larger project (versus the self-development model).
- c) No ongoing operating or programming cost component for the City for recreational services.

As noted earlier, financing this project (either the recreation or library component) will be difficult in view of the many budgetary and fiscal pressures facing the City. Council will recall that the City faces \$30 million in budget pressures each year over the next 3 years.

Also, over the 10-year capital forecast period, project requests exceed available financing by about \$700 million, therefore the City's ability to construct and finance new facilities will be limited.

However, as noted in the Municipal Comparator section of the previous report, CS02033(a), (refer to Appendix A, Schedule 1) and given the budgetary and fiscal pressures facing the City a partnership with the YMCA is an alternative service delivery model minimizing both capital and operating expenses for the City while continuing to provide recreational services and programs to the community.

The Municipal Comparator and financial impact to the City for this project remains unchanged as per the previous report CS02033(a).

Staff Implications:

N/A

Legal Implications:

While not binding, the Memorandum of Understanding, (MoU), is a letter of intent by all partners to proceed in the development of the South Mountain Project based on the "partnership principles" outlined in the MoU. It should be noted that based on the MoU, all partners will begin incurring costs for the project. Costs will primarily

be incurred in the development of the various agreements as well as in preliminary design work. However, the inclusion of the library is subject to Council approval of capital funding for the library.

POLICIES AFFECTING PROPOSAL:

The preliminary analysis of this possible partnership with the YMCA is consistent with the objectives of the City's Alternative Services Delivery principles and guidelines, approved by Council in 2001.

Should Council concur with the recommendations outlined in this report and approve the "Memorandum of Understanding" as per Appendix A, Staff will proceed with finalizing the partnership and prepare the necessary agreement(s) between the City and the YMCA and **NO** Request for Proposals will be issued.

This partnership is also consistent with the Parks, Culture and Recreation Master Plan.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

This report has been prepared in consultation with the following departments and agencies:

Culture and Recreation Division
Corporate Buildings and Real Estate Division
Design and Construction Division
Budgets & Fiscal Policy Division, Finance & Corporate Services Department
Legal Services, Finance & Corporate Services Department
Staff from the Hamilton Public Library Board
Staff from Hamilton Police Services
Staff from the YMCA of Hamilton/Burlington

CITY STRATEGIC COMMITMENT:

This initiative is consistent with the objectives of Vision 2020 and the following City Strategic goals.

Personal Health and Well Being

- To provide adequate and appropriate health care services for all citizens;
- To promote health and prevent disease and injury;
- To improve personal health status.

Community Well Being and Capacity Building

- To develop cultural institutions, public facilities and parks and open space which inspire community pride and sense of place;

Subject: Status Report – Possible Partnership with YMCA at South Mountain Project/Turner Park (CS02033(b)) (City Wide and Ward 7) - Page 9 of 9

- To build and develop the capacity of individuals, community organizations, the private and non-profit sectors to be self-reliant.

In addition, this initiative is consistent with the strategic directions of the Parks, Culture and Recreation Master Plan specifically; fifteen Strategic Directions are provided of which at least five are directly relevant to the question of the South Mountain Partnership.

Appendix

A. Draft Memorandum of Understanding and Schedules 1 and 2

MEMORANDUM OF UNDERSTANDING

AMONG:

CITY OF HAMILTON
(the "City")

AND:

YMCA OF HAMILTON/BURLINGTON
(the "YMCA")

AND:

HAMILTON PUBLIC LIBRARY BOARD
(the "Library")

AND:

HAMILTON POLICE SERVICES BOARD
(the "Police")

GENERAL

The following is a Memorandum of Understanding between the above noted parties regarding the partnership at South Mountain Project/Turner Park for the development of the South Mountain Community Centre at Turner Park (the "South Mountain Project"). The general principles (the "Project Principles") and financial plan of the South Mountain Project are described in the City of Hamilton Community Service Department report (CS02033a) attached hereto as Schedule "1" and dated September 26, 2002 (the "City of Hamilton Report") and approved by Council at the meeting of October 9th, 2002. In accordance with the Project Principles outlined in the City of Hamilton Report, the parties hereto agree to enter into good faith negotiations with the intention of concluding and executing certain material agreements which shall further define and expand the legal and commercial responsibilities and obligations of the various parties involved in the South Mountain Project. The inclusion of the library is subject to Hamilton City Council Approval of Capital Funds for the library in 2003 and 2004 or whenever approved.

INITIAL ACTIONS OF PARTIES

In keeping with the Project Principles, the parties hereto agree that the following shall be the initial actions of the respective parties:

1. The City will provide up to a maximum of approximately fifteen (15) acres of land through the grant of 4 (four) separate 75-year land leases in respect of the South Mountain Project for nominal annual rent of One Dollar (\$1.00) (the "Land Leases"). The Parties acknowledge that the City is exempt from the part lot control provisions of the *Planning Act*.
2. Each of the YMCA, the Library and the Police (the "Participants") shall enter into a long term 75-year Land Lease which shall enumerate their respective rights and obligations in respect of their respective exclusive use areas and building(s) within the South Mountain Project (the "Exclusive Areas Leases"). Each party shall covenant with the City to carry out and be compliant with the terms of the City of Hamilton Report attached hereto as Schedule "1".
3. The Participants shall, as tenants-in-common, enter into a 75-year Land Lease which shall enumerate the Participants' rights and obligations in respect of the common areas of the South Mountain Project (the "Common Areas Lease").
4. The City and the Participants hereto shall contribute, or shall have contributed on their behalf, to the South Mountain Project, capital or capital-in-kind in the amounts described in Schedule "2" hereto attached, subject to Council approval of Capital Funds.

LAND LEASES

Exclusive Areas Leases

Three (3) 75-year Land Leases shall be entered into between the City and each of the Participants in respect of their respective Exclusive Areas. The Land Leases shall provide, among other things, for the payment of actual rent which shall be nominal, namely One Dollar (\$1.00) a year. In addition, the Land Leases shall require payment of costs and expenses, compliance with by-laws, provision of maintenance and repairs, insurance, alterations and construction, replacement of damaged buildings, construction lien issues, use of facilities and a provision which provides that the Land Leases are co-extensive with compliance with the Project Principles which shall be an essential term in the Land Leases. The YMCA Land Lease will include the specific covenants relating to the provision of certain recreational services to the public. Each Participant would be permitted to enter into sub-leases for a portion of their space provided any sub-tenant enters into a sub-lease which continues the obligations under the Exclusive Areas Lease and otherwise ensures compliance with the Project Principles.

Common Areas Lease

The Common Areas Lease would provide for the joint leasing of Common Areas to the Participants. However, the issues of cost and expense sharing in respect of Common Areas would be enumerated in the Tenancy-in-Common Agreement described below.

All Land Leases would be totally net of cost, expense and obligation to the City. The parties would be able to assign their interest in their respective Exclusive Areas Lease and the Common Areas Lease provided:

- (a) the covenants regarding services to be provided by each party are assumed by the assignee of the Exclusive Areas Lease;
- (b) the assignee agrees to be bound to the terms of the Project Principles and the Common Areas Lease; and
- (c) the assignee is not objectionable to the City or remaining Participants on the basis of public policy or material incompatibility.

At the end of the term of the Land Leases, the land and buildings shall revert to the City.

OPERATIONAL STRUCTURE

Co-tenancy ~~Structure~~ Generally

The Common Areas of the South Mountain Project shall be leased to and administered by the Participants on a joint basis. Each of the constituent bodies, namely, the YMCA, the Library and the Police, shall name nominees to the South Mountain Project Committee (the "Committee"). The Committee shall monitor the common construction and design of the Common Areas and thereafter manage same for the duration of the Land Leases. The Participants, as co-tenants of the Common Areas, shall enter into any sub-lease arrangements with commercial third parties at fair market value rates.

TENANCY-IN-COMMON AGREEMENT

In order to effect the legal relationships necessary to properly and appropriately carry out the goals and objects of the South Mountain Project, the parties shall effect or enter into, as the case may be, a tenancy-in-common agreement (the "TIC Agreement"). The TIC Agreement shall be entered into among the YMCA, the Library and the Police. The TIC Agreement shall be the central document governing the relationship of the Participants and operation of the Project. The inclusion of the library is subject to Council approval of Capital funding for the library in 2003 and 2004 or whenever approved.

Cost Sharing of Expenses

The TIC Agreement shall provide for:

- (a) the calculation and payment of the expenses related to the operation of the South Mountain Project Common Areas and shall specify the initial capital contribution of each of the members in respect thereof;
- (b) a mechanism for the payment of ongoing operating and capital renewal expenses for Common Areas; and
- (c) a detailed arbitration and alternative dispute resolution among the Participants.

COMMITTEES AND SUB-COMMITTEES

South Mountain Project Committee

A Committee shall be comprised of various nominees of the Participants and shall be responsible for the review of ongoing long-term management issues. The South Mountain Project Committee shall otherwise govern itself in accordance with the Project Principles existing at the core of the South Mountain Project.

The TIC Agreement shall also provide for:

- (a) a Design and Construction Sub-Committee; and
- (b) an Operations Sub-Committee.

Operations Sub-Committee

The Operation's Sub-Committee would be responsible for:

- (a) the appointment of staff, arrangements of contracts for the management and operation of the Common Areas, the establishment and approval of budgets and maintenance, financial and other records related thereto;
- (b) protection of the assets and limitation of risk including provision for capital renewal;
- (c) allocation of space within the limits of the TIC Agreement for Common Areas and third party lessees;
- (d) the management, allocation and scheduling of Common Areas, if any;
- (e) setting and enforcing standards of the exterior of Exclusive Areas; and
- (f) negotiation and administration of contracts regarding the leasing to commercial third parties; and
- (g) the appointment of professional advisors, if any, to the Committee and the preparation of any required reports for the Participants.

Design and Construction Sub-Committee

The Design and Construction Committee shall be comprised of various nominees of the Members and shall be designated with the tasks of overseeing and administering the contracts and implementation of same during the construction period of the South Mountain Project. The TIC Agreement shall outline the formula for the fair share of common expenses related to the various members and stakeholding groups. Third party commercial operations, if any, within the South Mountain Project shall be at market value.

**City Wide
and Ward 7**

CITY OF HAMILTON

COMMUNITY SERVICES DEPARTMENT

Culture and Recreation Division and Design and Construction Division

Report to:	Mayor and Members of Committee of the Whole	Submitted by:	William E. Fenwick Acting General Manager, Community Services
Date:	September 26, 2002	Prepared by:	Domenic Lunardo x 3982 William E. Fenwick x 4610

SUBJECT: Status Report – Possible Partnership with YMCA at South Mountain Project/Turner Park (CS02033a)(City Wide and Ward 7)

RECOMMENDATION:

- (a) That the “partnership principles” as outlined in this report be endorsed as the basis for continuing negotiations with the YMCA for the South Mountain Project at Turner Park;
- (b) That staff be directed to hold a neighbourhood consultation meeting to obtain community input on the “partnership principles” and possible partnership with the YMCA, and that this meeting be held in the third week of October 2002, (tentatively October 24, 2002);
- (c) That staff bring forward recommendations to a future Committee of the Whole meeting in late November 2002, (tentatively November 26, 2002), with respect to a potential partnership with the YMCA for recreational services as part of the South Mountain Project;
- (d) That a copy of this report and a copy of the Council resolution respecting this issue be forwarded to the respective Boards of the Hamilton Police Services, Library Services and YMCA;
- (e) That any City Capital Contribution towards this project be submitted for consideration in the 2003 budget process.

William E. Fenwick, Acting General Manager
Community Services

EXECUTIVE SUMMARY:

The purpose of this report is to provide Committee of the Whole with a status report on key negotiating issues, which have been identified by the negotiating team. These key issues are fundamental assumptions which act as guiding principles for the negotiating team to be able to achieve a viable partnership model whereby the YMCA would be providing recreational services to the South Mountain community in lieu of this service being directly provided by the City.

The key issues, ("Partnership Principles"), are discussed in detail in the Analysis of Alternatives Section of this report and are summarized as follows:

- Land Lease and Baseball Diamond Replacement
- Capital Contribution by the City
- Building Ownership/Operating Model
- YMCA as the Recreation Service Provider
- YMCA owns and operates facilities
- YMCA responsible for capital construction of their facility
- Access to Recreational Services
- Inclusion of the Library
- Partnership Profile
- Governance

A comparison of development models, for recreational services only, comparing costs/benefits has been included, (refer to Appendix C). If the City were to construct a stand-alone recreation centre there would be an annual cost to the municipality of \$1,407,404. This includes financing, capital repair, operating expenditures, revenues costs as well as a replacement reserve provision. However, if the YMCA model were selected in lieu of the City building a recreation centre the net annual operating cost to the City would be zero.

A comparison of development models, (refer to Table 1 in the Analysis of Alternative section of this report), which includes the library component with the YMCA model would result in a total City tax impact, (in the year 2005), of \$1,334,734 annually or a 0.5 % tax increase for the average homeowner. The Self-Developed model in this scenario would cost the taxpayers \$2,740,000 annually or a 1.0 % tax increase. All costs have been factored into this estimate including contributions to a replacement reserve.

In addition to this City Budget impact, the police will likely experience a budget impact of \$105,380 for operating maintenance costs and \$418,000 for replacement reserve contributions and year capital repair costs.

When the Library and Police services are combined, (refer to Appendix D), the self-developed model results in an annual cost of \$4,038,299 versus the YMCA model cost of \$2,630,895 per year. Both figures include financing, capital repair, operating expenditures and revenues cost estimates as well as a replacement reserve

provision. Therefore based on the analysis the YMCA model would be the most cost efficient.

Of note is the issue of Development Charge liability (approximately \$275,000) for this YMCA project. If the City builds this project, there would be no collection of development charges. The YMCA as developer, have not included this in their construction cost estimate. Staff will further negotiate this issue with the YMCA and present this issue to Council in a follow-up report.

Therefore Staff provides this status report and seeks Council's concurrence that "partnership principles" as outlined in the Analysis of Alternatives section of this report form the basis for continuing negotiations towards achieving a potential partnership with the YMCA.

BACKGROUND:

At the meeting of April 2, 2002, Council approved, in part:

"That Staff be directed to proceed with discussion with the YMCA of Hamilton/Burlington to explore potential partnership models for recreational services as part of the South Mountain Project at Turner Park;

That the Terms of Reference for these discussions be based on the issues outlined in this report, (CS02033, dated March 21, 2002), and the Alternative Service Delivery principles approved by Council in December 2001."

Based on the above noted direction staff established a Negotiating Team consisting of staff from the Community Services Department as well as staff from the Hamilton Public Library and the Hamilton Police Services.

The Negotiating Team has met monthly and this status report summarizes the negotiations to date. In addition, the negotiating team has initiated an issues resolution process and reached general agreement on several issues.

However, there are a number of key issues, ("partnership principles"), that require input from Council. Specifically these include commitments on financial and property contributions, service providers, governance and other matters including community access of services.

Therefore, this status report seeks Council's concurrence that the "partnership principles" as outlined in the Analysis of Alternative section of this report form the basis for continuing negotiations towards achieving a potential partnership with the YMCA.

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The Negotiating Team has met monthly and this status report summarizes the negotiations to date. In addition, the negotiating team has initiated an issues resolution process and reached general agreement on several issues.

However, there are a number of key issues, ("partnership principles"), that require input from Council. Specifically these include commitments on financial and property contributions, service providers, governance and other matters including community access of services.

Therefore, this status report seeks Council's concurrence that the "partnership principles" as outlined in the Analysis of Alternative section of this report form the basis for continuing negotiations towards achieving a potential partnership with the YMCA.

ANALYSIS OF ALTERNATIVES:

The following is a summary of key issues:

1) Land Contribution and Baseball Diamond Replacement Cost

- a) The YMCA is seeking a long-term lease with the City for a nominal rate. Size is approximately equivalent to 5 acres. The City would retain ownership of the land. Consistent with the existing Parks acquisition and development policies a contribution to the Parkland Reserve Fund should be made. The Police Station and Library projects will be making similar contributions. The value of this contribution is anticipated to be in the \$650,000 range. Details of the lease arrangement would be negotiated as part of the final agreement with the YMCA.
- b) The development of a police/library and recreation (YMCA) facility will impact one of the existing ball diamonds at Turner Park. If this partnership project proceeds there is a cost to replace the ball diamond either on site or at an alternative park location. The estimated cost is \$200,000.
- c) The total cost for both land and replacing the baseball diamond is \$850,000. Since this project benefits existing and future residents, a portion of the City costs are eligible to be funded from former municipal Development Charge reserves. The eligible growth-related costs based upon affected area municipal Development Charge background studies and reserve funding constraints dictate that approximately \$600,000 (70 %) would be funded from Development Charge Recreational reserves. The balance of the cost would be funded from the former Hamilton Unallocated Capital Reserve (\$250,000).
- d) The \$850,000 would not be directed towards the actual construction of the YMCA facility, however this is a value towards the total project cost. Therefore, \$650,000 would be transferred to the Parkland Reserve Fund, while the \$200,000 could be a 2003 capital project for the replacement of the ball diamond, which would be managed by the Design and Construction Division, Community Services Department.

PARTNERSHIP PRINCIPLE

That the City provides to the YMCA a long term lease, at a nominal amount, for the land component of the YMCA facility; and

That the City makes the appropriate land value contribution (estimated to be approximately \$650,000) and that \$200,000 be allocated for the relocation of the baseball diamond in 2003. Funds to be provided 70% from area-affected growth-related Development Charge Recreation Reserves and 30% from the former Hamilton Unallocated Capital Reserve.

2) Capital Contribution by the City

- a) The YMCA is requesting that the City make a two (2) million dollar capital contribution (in addition to the \$850,000 above-mentioned contribution) towards the construction of the YMCA facility. Details of the YMCA proposal are found in Appendix A. The following is a summary
- A capital contribution is specifically allocated to “oversizing” specific facilities within the YMCA, (i.e. pool size), to better serve the South Mountain Community and the understanding that this facility will take the place of the City having to construct a similar type facility in the same geographic area. This increase would provide program space that is consistent with municipal priorities.
 - The YMCA, as a charitable organization providing community recreation and health promotion services, shares the same objectives as the City and is capable of providing these services consistent with the Parks, Culture and Recreation Master Plan.
 - The City would not have any future operational and capital repairs or replacement costs associated with this facility and the YMCA will be fully responsible for operating costs to provide its services and programs.
 - The YMCA would contribute a fair share of capital and operating funds towards the costs related to the common areas within the combined facility.
 - The YMCA brings community support to the project with its donors and it's ongoing philanthropy programs.

PARTNERSHIP PRINCIPLE

That the City include a capital contribution in the amount of \$ 2 million dollars towards the YMCA facility at Turner Park not including land costs and the cost of replacing the ball diamond (\$850,000). This \$ 2 million dollar capital contribution would be funded from area-affected growth-related Development Charge Recreation Reserves based upon area Development Charge background studies equal to 70% of the City's Contribution (\$1,400,000). The balance of the cost to be funded from the former Hamilton Area Municipal Capital Reserve.

3) Building Ownership/Operating Model

- a) The current ownership concept agreed to date is that partners would collectively be within a multi-use facility with public or common space that would be shared by the partners and that dedicated space would be individually owned by the YMCA, Library and Police Services Board.
- b) Based on this model all partners would share in the cost of operating and maintaining common/public spaces including the building lobby, parking lot and exterior landscape and any other shared costs based on a “fair share”

formula. The partners would negotiate a maintenance/operation model for the day to day maintenance of the facility.

- c) Programming costs would be the responsibility of each of the partners. However, City would not be responsible for programming/operating costs incurred by the YMCA to deliver YMCA services unless there is a specific specialized service being requested by the City which is not provided by the YMCA and which is not financially self sustaining.
- d) Details of potential operating savings are discussed in the "Alternative Service Delivery – Municipal Comparator" section of this report.

PARTNERSHIP PRINCIPLE

That the City (Police Services and Library) and YMCA develop a "fair-share" formula to share the capital and operating costs of the common space, (including exterior grounds), between the three partners, as well as developing an ownership model for the project.

4) YMCA the Recreation Service Provider

- a) The YMCA has agreed to be the provider of recreational services to the South Mountain Community, through this facility and in-lieu of the City providing such a facility. This is consistent with the current Parks, Culture and Recreation Master Plan. The YMCA has established standards of design and programming and would require autonomy and control in these matters while providing community access (see below). Partners would be invited to participate and have input into the YMCA planning decision-making process.
- b) Consistent with the City's Alternative Service Delivery policy, staff have prepared a municipal comparator analysis comparing costs of a self developed and operated recreational facility versus the YMCA partnership model, refer to the Alternative Service Delivery analysis – Municipal Comparator section below. However the City would not incur any programming costs.

PARTNERSHIP PRINCIPLE

That the YMCA recreation facility would be developed in-lieu the need for the City to develop a similar recreation facility at Turner Park.

5) YMCA responsible for capital construction of their facility

- a) The YMCA supports the establishment of a YMCA at the Turner Park location to service an established need in the South Mountain Community. Subject to resolution of several issues and the completion of a memorandum of understanding, the YMCA Board will commit to this project no later than the year-end 2002.
- b) The YMCA proposes to develop a 62,000 (approximately) square foot facility assuming a capital contribution from the City for an anticipated "over-sizing" of the facility. The facility will provide a range of community services including aquatic centre, gymnasium, licenced childcare, community multi-purpose rooms, fitness centre and related amenities.
- c) In addition the YMCA has also developed a partnership with Hamilton Health Sciences to provide a health promotion programs. Details of this sub-agreement are currently being developed.

In addition, staff advised that Hamilton Health Sciences may wish to expand their role to include a 40,000 square foot facility at this location. In this scenario, Hamilton Health Sciences would need to be a full partner.

Unfortunately, at the time of writing this report there is insufficient information so that Staff can evaluate the technical feasibility of this initiative on the Turner Park site. Therefore this report DOES NOT include provisions for an expanded role for Hamilton Health Sciences and they are not considered "full partners" at this time.

- d) YMCA plans to contribute \$11 million in capital to the project; however, since \$1.5 million of this amount will come from a Hamilton Mountain capital campaign to be conducted in 2003, the final amount of the YMCA's contribution will be dependent on campaign success; all indications are that they can raise at least \$1.5 million, but any shortfall would have to be covered by a reduction in square footage of the facility.
- e) The YMCA would contribute to the cost of any shared/common spaces as well as the development of the exterior grounds. An agreement would be developed with respect to the design and construction of the YMCA facility and/or the library component.

PARTNERSHIP PRINCIPLE

That the above be a principle for future negotiations with the YMCA and that a development agreement for the design and construction of the joint facilities be established between the City and the YMCA.

6) Access to Recreational Services

- a) Staff have identified that community access to the YMCA is a key component and requirement to the ultimate success of this project. Issues such as “openness” to all members of the community have been discussed at length.
- b) To address the community access issue the YMCA advises that they are a diverse and inclusive organization. For example:
 - The YMCA is a non-denominational organization that involves everyone, including men and women and children of all ages.
 - The YMCA is an Association of volunteers, staff and participants dedicated to the growth of all persons in spirit, mind and body.
 - The YMCA provides financial assistance to anyone that cannot afford the cost of membership or program fees. (Refer to Appendix B, letter from Scott Haldane, President and CEO, YMCA of Hamilton/Burlington.)
- c) In addition access to the Hamilton Mountain Family YMCA would be ensured to all the community in four ways:
 - Making available to all residents of Hamilton an affordable membership;
 - Assisting individuals and families that cannot afford the full cost of membership;
 - Offering a day pass to use the facility and participate in drop-in programs;
 - Providing community access to the general public to the YMCA swimming pool for approximately 20 hours per week at the same rate charged in municipal swimming pools.
- d) City Staff worked closely with the YMCA to develop this community access approach and support the proposed plan as acceptable for the South Mountain Community Centre.

PARTNERSHIP PRINCIPLE

That YMCA policy of community access to programs and facilities be a principle for broader community access to recreational services of the facility.

7) Inclusion of the Library

- a) The YMCA commitment is based on the assumption that the Library will be part of the Centre. The total project cost is \$7.7 million, with the current “net” capital cost for the library is estimated at \$4.7 million (inclusive of land costs and a contribution from development charges). The library is eligible for up to \$ 6.4 million from development charges. However, there is currently only \$ 4 million in the area-affected Library Development Charge Reserves

with other growth-related Library projects being planned. Therefore, for the purposes of this report, staff are assuming a \$3 million contribution from Library Development Charge Reserve funds. The balance would have to be debt-financed but staff would also review the possibility of recovering this cost from future Development Charge collections. The project is currently forecast for 2005, but funding is limited.

- b) There are construction efficiencies, perhaps design innovations and cost savings if the YMCA and library were designed and constructed at the same time. City Staff support the co-ordination of the two programs and the advancement of the library construction to coincide with the construction of the YMCA.

If so, this will require Council to authorize the capital expenditures for the library sooner than originally anticipated and therefore will "crowd out" other capital projects. Even by delaying other capital projects, affordability remains an important issue given the many financial constraints faced by the city. In order for the Library project to coincide with the YMCA project, design fees would need to be approved as part of the 2003 capital budget with the remaining construction and other costs being included in the 2004 capital budget. If the project is not approved as part of the partnership it is anticipated that cost will increase.

- c) In addition to incurring capital costs sooner, there will also be an impact on Library operating costs. The anticipated total tax levy costs associated with the library (starting in 2005) is approximately \$1,334,734 (refer Table 1 below) or a 0.5 % tax increase for the average homeowner (assessed value of \$155,000). The above noted figure includes an annual financing cost of \$516,034 for 15 years and an annual capital replacement cost of \$192,500.

TABLE 1 Library Costs

Expenditure	Amount
Utilities	\$ 25,100
Programming/Staff	\$ 381,000
Grounds/Repairs/General	\$ 240,100
Revenues	\$ (20,000)
Replacement Reserve Provision	\$ 192,500
Capital Financing Cost (7%,15 yrs)	\$ 516,035
Total Library Levy Costs	\$ 1,334,734.74

Estimated Annual Cost Self Model - Recreation and Library	\$ 2,742,138.90
Estimated Annual Cost YMCA Model - Library and YMCA	\$ 1,334,734.74

PARTNERSHIP PRINCIPLE

That the design and construction of the Library be developed jointly with the YMCA facility.

That the schedule for the development of the Library, at Turner Park, be revised to the year 2003 for design fees and 2004 for construction and all other cost to coincide with the development of the YMCA;

8) Partnership Profile

- a) The Project Team supports that all partners would have an identity prominent on the exterior of the Community Centre. Consistent with policy, the City would be duly identified. For the purposes of furthering the identity discussion, the facility would be identified as the South Mountain Community Centre with individual partners "Police Services", "YMCA" and "Library" components clearly identified. The YMCA facility would include the municipal logo once the municipal "branding" initiative has been approved.

PARTNERSHIP PRINCIPLE

That all partners including the City are included in the partnership profile and "branding" of the joint facility.

9) Governance

- a) Facility Management matters including governance have been discussed and the following established as working principles:
 - the partnership would work together to deliver services to the South Mountain Community through this facility including sharing spaces, collaborating on programming and maximizing efficiencies;
 - there would be shared common space;
 - cost sharing of common spaces would be based on a fair share formula to be developed;
 - common space would be kept to a minimum but it would be sufficient to provide a welcome experience to visitors;
 - the use of common space by private sector commercial uses (i.e. food services) would be investigated;
 - management of the community centre would be centralized;
 - the specialized maintenance needs of the YMCA and other partners would be recognized and as such the partners may decide to operate and maintain their dedicated spaces separately;
 - whenever possible, the partners would develop programs together and provide reasonable access to spaces and programs to the other partners.

b) The project team developed a three level governance model, with each "level" having different scope and responsibility and decision making authority based on their relative accountability. The three level structure is proposed as follows:

i) **Level One: Council and Boards of YMCA, City and Library**

- Responsibilities include matters related to property, capital, financial and legal.

ii) **Level Two: Community Centre Board**

- Consisting of senior staff from each partner, responsible for implementing the directions of Council and Boards and establish policy.

iii) **Level Three: Operating Group**

- Representation from each partners responsible for the day to day maintenance and operations matters and reporting to the Community Centre Board

PARTNERSHIP PRINCIPLE

That the above noted principles be the basis for a Community Centre Governance Model and that an acceptable governance body and operational agreement be established satisfactory to all three partners.

Outstanding Issues

Payment of Development Charges by YMCA: Of note is the issue of Development Charge liability (approximately \$275,000) for this YMCA project. If the City builds this project, there would be no collection of development charges. The YMCA as developer have not included this in their construction cost estimate. Staff will further negotiate this issue with the YMCA and present this issue to Council in a follow-up report.

Municipal Comparator, Recreation Component Only

Staff has prepared a cost analysis based on a "Self Developed Model" vs a "YMCA Partnership Model", the preliminary results of this financial analysis are found in Appendix C. Key highlights of this analysis are as follows:

Self Developed Model

- The gross total project cost if the City were to construct a stand alone community centre would be approximately \$9.2 million dollars, (including land costs, design and construction costs, the cost of replacement of one baseball diamond). The maximum amount of cost development charge funding that is

currently available in reserves would remain at approximately \$2,000,000, and an additional \$850,000 would be funded from the former Hamilton Unallocated Capital Reserve, therefore requiring \$6,350,000 to be funded from the 2003 Tax Capital Budget. (i.e. only \$2 million in development charges recreation reserves exist today, but balances would increase if the project was deferred).

- Net annual cost to the municipality would be \$1,407,404. This figure includes financing, capital repair, operating expenditures and revenues costs as well as a replacement reserve provision.

YMCA Partnership Model

- \$ 2 million dollar municipal construction contribution funded through development charges. \$850,000 required for land cost and to replace one baseball diamond funded from reserves, for a total \$2.85 million total contribution to the project
- YMCA plans to contribute \$11 million in capital to the project; however, since \$1.5 million of this amount will come from a Hamilton Mountain capital campaign to be conducted in 2003, the final amount of the YMCA's contribution will be dependent on campaign success; all indications are that they raise at least \$1.5 million, but any shortfall would have to be covered by a reduction in square footage of the facility
- YMCA provides \$11 million (total cost equals \$13 million) in capital towards the design and construction of the Hamilton Mountain Family YMCA;
- YMCA is responsible for all ongoing operating costs;
- YMCA is responsible for capital reinvestment in the YMCA portion of the facility;
- YMCA brings a wide range of programs and services beyond the normal physical fitness provision that include youth leadership development, volunteer development, child care, youth at risk and employment training to name a few.
- Community access to the facility and the programs offered has been considered and the YMCA would ensure that all residents are able to have access through membership, financial assistance, day passes and swim passes.
- It is estimated that fifty per cent of the membership will be adults and fifty per cent will be children with an understanding that half of the members will join as a family.
- Community access to recreational programs.
- The City does not incur any recreational programming costs.

Municipal Comparator, Recreation/YMCA and Library

A comparison of development models, (refer to Table 1 in the Analysis of Alternative section of this report), which includes the library component with the YMCA model would result in a total City tax impact, (in the year 2005), of \$1,334,734 annually or a 0.5 % tax increase for the average homeowner. The Self-Developed model in this scenario would cost the taxpayers \$2,740,000 annually or a 1.0 % tax increase. All costs have been factored into this estimate including contributions to a replacement reserve.

Municipal Comparator, Recreation/YMCA, Police and Library

Staff has also prepared a municipal comparator for the entire complex including recreation/YMCA, police and library services. Details of this comparison are included in Appendix D. This analysis incorporates the projected impact on all affected City budgets (i.e., Library and Culture and Recreation), plus the Police Budget as well. These include all capital financing, operating, maintenance and replacement reserve cost impacts.

Conclusion

If the "Partnership Principles" and issues outlined in this report are acceptable to Council and the partner Boards staff would then proceed with preparing a draft "Memorandum of Understanding". This document establishes an "intent" from all partners to proceed with the project. More detail would be developed in subsequent lease and operations agreements.

It is anticipated a final report including a "Memorandum of Understanding" will come forward to a Committee of the Whole meeting in late November 2002, tentatively November 26, 2002. Prior to returning to Committee of the Whole with this report, staff are recommending that a neighbourhood meeting be held to solicit community input. A tentative date, subject to Council approval has been established for October 24, 2002. Refer to Appendix E for Project Schedule.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

From a financial perspective, the YMCA Partnership model achieves the following financial goals;

- a) Has a minimum tax levy impact by reducing overall capital costs to the City of Hamilton.
- b) A smaller City financial contribution leverages a larger project (versus the self-development model).
- c) No on-going operating or programming cost component for the City for recreational services.

As noted earlier, financing this project (either the recreation or library component) will be difficult in view of the many budgetary and fiscal pressures facing the City. Council will recall that the City faces \$30 million in budget pressures each year over the next 3 years.

Also, over the 10-year capital forecast period, project requests exceed available financing by about \$700 million, therefore the City's ability to construct and finance new facilities will be limited.

However, as noted in the Municipal Comparator section of this report and given the budgetary and fiscal pressures facing the City a partnership with the YMCA is an alternative service delivery model minimizing both capital and operating expenses for the City while continuing to provide recreational services and programs to the community. More detail benefits and risks analysis would be provided as part of the final report associated with the "Memorandum of Understanding".

POLICIES AFFECTING PROPOSAL:

The preliminary analysis of this possible partnership with the YMCA is consistent with the objectives of the City's Alternative Services Delivery principles and guidelines, approved by Council in 2001. As indicated it is anticipated a final report including a "Memorandum of Understanding" will come forward to a Committee of the Whole meeting in November 2002.

Should Council ultimately approve the "Memorandum of Understanding" with the YMCA, Staff will proceed with finalizing the partnership and prepare the necessary agreement(s) between the City and the YMCA and **NO** Request for Proposals will be issued.

The YMCA is anticipating a formal commitment through the "Memorandum of Understanding" from the City, so that a decision of the YMCA Board can be confirmed by the end of 2002. YMCA anticipates to have the facility opened by 2005.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

This report has been prepared in consultation with the following departments and agencies:

- Culture and Recreation Division
- Corporate Buildings and Real Estate Division
- Design and Construction Division
- Budgets & Fiscal Policy Division, Finance & Corporate Services Department
- Staff from Hamilton Library Services
- Staff from Hamilton Police Services
- Staff from the YMCA of Greater Hamilton/Burlington

CITY STRATEGIC COMMITMENT:

This initiative is consistent with the objectives of Vision 2020 and the following City Strategic goals.

Personal Health and Well Being

- To provide adequate and appropriate health care services for all citizens;
- To promote health and prevent disease and injury;
- To improve personal health status.

Community Well Being and Capacity Building

- To develop cultural institutions, public facilities and parks and open space which inspire community pride and sense of place;
- To build and develop the capacity of individuals, community organizations, the private and non-profit sectors to be self-reliant.

In addition, this initiative is consistent with the strategic directions of the Parks, Culture and Recreation Master Plan specifically; fifteen Strategic Directions are provided of which at least five are directly relevant to the question of the South Mountain Partnership.

Appendices

- A. Case for Partnership with YMCA
- B. Letter from Scott Haldane, President and CEO YMCA dated July 4, 2002
- C. Preliminary Municipal Cost Comparator Analysis – Recreation Only
- D. Preliminary Municipal Cost Comparator Analysis – Recreation/Police/Library
- E. Preliminary Project Schedule

APPENDIX A, SCHEDULE 2

To Memorandum of Understanding dated date of even

Approximate Capital Contributions of Parties

for the South Mountain Project

<u>Party</u>	<u>Contribution in Kind</u>	<u>Contributions in Cash</u>
City of Hamilton	Up to a maximum of approximately 15 acres of land pursuant to 75 year land lease	\$2.85 million
YMCA	N/A	\$11 million
The Hamilton Public Library Board	N/A	\$7.7 million *1
The Hamilton Police Services Board	N/A	\$11 million

*1 Inclusion of Library funds is subject to Council approval of Capital funds for the library in the 2003 and 2004 Capital Budget OR whenever approved by Council in the future.

SECTION 8

CITY OF HAMILTON

10.1

PROPOSED CHANGES TO THE CITY OF HAMILTON CITY CHARTER

THE CITY OF HAMILTON, ONTARIO, HEREBY REQUESTS THE
COUNCIL OF THE CITY OF HAMILTON TO CONSIDER THE
PROPOSED CHANGES TO THE CITY CHARTER.

THE PROPOSED CHANGES TO THE CITY CHARTER ARE:

1. TO AMEND THE CITY CHARTER TO PROVIDE FOR THE
ESTABLISHMENT OF A CITY OF HAMILTON BOARD OF
CITY MANAGER AND CITY CLERK.

2. TO AMEND THE CITY CHARTER TO PROVIDE FOR THE
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CITY OF HAMILTON

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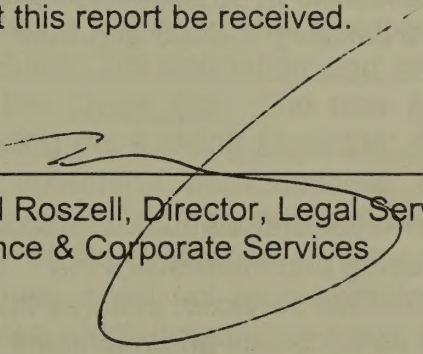
FINANCE AND CORPORATE SERVICES DEPARTMENT
Legal Service Division

Report to: Mayor and Members Committee of the Whole	Submitted by: Rand Roszell, Director, Legal Services & Corporate Counsel
Date: November 18, 2002	Prepared by: Nancy Smith 546-4641

SUBJECT: The New Municipal Act (LS020224) (City Wide)

RECOMMENDATION:

That this report be received.



Rand Roszell, Director, Legal Services & Corporate Counsel
Finance & Corporate Services

EXECUTIVE SUMMARY:

The New Municipal Act comes into force on January 1, 2003. The New Act brings with it a new approach to the legislative framework for the operation of municipalities in Ontario. In addition, municipalities must have specific requirements in place for January 1, 2003.

We have reported previously with regard to this matter (November 18, 2002 – LS01026). Since then, the Province has introduced extensive amendments to the initial version of the Act and filed some of the Regulations contemplated by the Act. This report provides an update and status report regarding various requirements of the New Act and Regulations.

BACKGROUND:

The New Municipal Act received Royal Assent on December 12, 2001. Its provisions will come into force on January 1, 2003. The Legislature introduced extensive amendments to the Act on September 24, 2002 (Bill 177). It is unknown if and when Bill 177 will be given Royal Assent.

SUBJECT: The New Municipal Act (City Wide) - Page 2 of 4

At the time of writing this report, the Minister of Municipal Affairs and Housing had filed the following Regulations under the present and New Municipal Act:

- Municipal licensing effective January 1, 2003
- User fees, effective January 1, 2003
- Leasing, effective September 20, 2003
- Eligible investments (commercial paper and asset backed securities), effective September 20, 2002
- Bank loans, effective January 1, 2003
- Construction financing, effective January 1, 2003

The New Municipal Act represents a new approach to the legislative framework for the operation of municipalities. Since its passage one year ago and in anticipation of its provisions becoming operative next month, staff in all Departments have undertaken education efforts to equip themselves for the changes. Some changes come into effect on January 1, 2003. Others are phased in over the next few years.

The following represents highlights of the Act's new approach. In addition, we have listed specific matters that need to be addressed before January 1, 2003 and their status.

Corporate Governance

The New Act expressly defines the role of Council, the Mayor and staff:

- **Council** represents the public, considers the well-being and interests of the municipality, develops policies and programs, determines services, ensures that administrative structures are in place to implement its decisions and maintains the financial integrity of the municipality.
- **The Mayor** is CEO, presides over Council meetings, provides leadership and represents the municipality at official functions.
- **Staff** undertake research/advise Council, implement Council decisions and establish administrative structures to carry out Council decisions.

Legislative Powers

The New Act introduces a qualified "**natural persons power**" approach to enable municipalities to pass by-laws within specified spheres of jurisdiction. Natural person powers are the same powers that an individual or corporation has to conduct day to day business, without the need for specific legislative authority. The following are the spheres of jurisdiction in which municipalities may exercise natural person powers:

- Highways
- Transportation systems
- Waste management
- Public utilities
- Culture, parks, recreation and heritage
- Drainage and flood control, except storm sewers
- Structures, including fences and signs

- Parking
- Animals
- Economic development services

The New Act continues the “**enumerated power**” approach to enable municipalities to pass by-laws dealing with specified matters. The enumerated power approach is the basis for the present Municipal Act. Under this approach, municipalities may only pass by-laws addressing matters expressly provided for by statute. The following subject areas are addressed:

- Health, safety and nuisance
- Natural environment
- Closing of retail business establishments

Scope

The City of Hamilton currently derives its authority from a number of statutes: the City of Hamilton Act 1999, the Regional Municipalities Act, and the Municipal Act, and other legislation which is either incorporated by reference, or made applicable to the City, e.g. the Public Transportation and Highway Act, the Health Protection and Promotion Act, and the Trees Act. The new Municipal Act, 2001, will repeal certain general Acts, including the existing Municipal Act, the Regional Municipalities Act, as well as specific acts governing municipalities, such as the Municipal Tax Sales Act, the Local Improvement Act, and parts of the Public Transportation and Highway Improvement Act. Many of the provisions of the repealed Acts will be consolidated in the new statute; however, it will not be a complete, self-contained code of municipal authority. Many statutes which govern key areas of the new City's mandate will continue to exist in their present form. Examples of this are: the Development Charges Act, the Planning Act, the Police Services Act, the Health Protection and Promotion Act and the Homes for the Aged and Rest Homes Act.

January 1, 2002 Requirements

As of January 1, 2003, the one-third deemed expense portion of the **remuneration paid to Council** ceases unless Council passes a Resolution to do otherwise. A report on this issue is scheduled to be presented to Committee of the Whole on December 3, 2002 and Council on December 11, 2003.

As of January 1, 2003, the City is required to maintain a **Business Licencing List and User Fee List**. Bill 177 (has not received Royal Assent) affords the municipality until December 2004 to make the Business Licensing List available for public inspection.

As of January 1, 2003, **tax collectors** are no longer required. Tax collectors who are not treasurers or deputy treasurers on December 31, 2002 will be deemed to be deputy treasurers as of January 1, 2003. However, Bill 177 (has not received Royal Assent) repeals the foregoing. When law, municipalities will have the power to delegate the tax collection function to anyone, even if they are not a treasurer or deputy treasurer. Finance will ensure that the appropriate by-laws are in place to provide for either of the foregoing scenarios.

As of January 1, 2003, the City must give **“reasonable notice”** of certain legislative initiatives. “Reasonable notice” may be determined on a case by case basis or by amendments to the Procedural By-law of general application. Clerks will be addressing this issue with Council.

ANALYSIS OF ALTERNATIVES:

N/a

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/a

POLICIES AFFECTING PROPOSAL:

N/a

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

N/a

CITY STRATEGIC COMMITMENT:

N/a

CITY OF HAMILTON

10.3

FINANCE & CORPORATE SERVICES
Information Technology Services

Report to: Mayor and Members
Committee of the Whole

Submitted by: Joseph L. Rinaldo,
General Manager

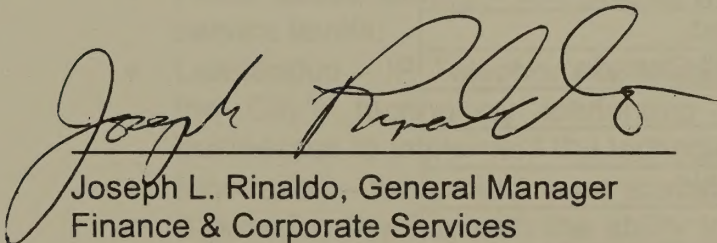
Date: November 19, 2002

Prepared by: Christine Swenor
546-4562

SUBJECT: IP Telephony – Request for Proposals (FCS02142) (City Wide)

RECOMMENDATION:

That report FCS02142, "IP Telephony - Request for Proposals" be received for information.



Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

A Request for Proposals for *IP Telephony Solution and Data Infrastructure Upgrade* was issued on October 11, 2002 and closed on November 8, 2002. Representatives from 13 vendors attended a mandatory bidders' conference on October 18th.

Bell Canada in partnership with Cisco Systems submitted the sole proposal.

Information Technology Services staff are working on the detailed evaluation of the Bell Canada/Cisco proposal and will begin a series of meetings with Bell Canada to determine whether the proposal meets all requirements set out in the proposal call. Staff will negotiate pricing before bringing a final recommendation back to Council in mid-January 2003.

BACKGROUND:

On July 10, 2002, Council approved the investigation of transitioning the City's telephone system from Centrex to IP Telephony and authorized the issuance of an RFP for IP Telephony equipment and installation services. Graycom Analysis, an experienced consulting firm in the field of telecommunications was engaged to assist in the development of the RFP at a cost of \$23,000.

On October 11th, 2002, RFP C6-14-02 was issued for an *IP Telephony Solution and Data Infrastructure Upgrade*. Representatives from 13 vendors attended the mandatory bidders' conference held on October 18th. The RFP also invited vendors to conduct an audit of the City's network between October 21st and November 1st. Bell Canada/Cisco and NEC conducted audits during this time period.

A number of "No bid" responses were received after the bidders' conference. Not all vendors provided specific reasons for withdrawing from the bidding process, however, some withdrew because of the significant complexity and breadth of the project.

Vendor	Submission
3COM Canada	No response.
AATel Communications	Withdrew at bidders conf.
Avaya	Letter – no bid
Bell Canada	Proposal received.
Cisco Systems	Joint bid with Bell Canada
Cygnal Technologies	Letter – no bid
NEC Canada	Letter – no bid
NEX Innovations	Phone call – no bid
Strategic Concepts	No response.
Telus	Letter – no bid
TIP	Email – no bid
Toshiba	No response.
XWave	Letter – no bid

A single proposal was received from Bell Canada in partnership with Cisco Systems.

After staff have completed their detailed evaluation of this proposal, a final report will be submitted to Council in mid-January 2003 and will include details of costs and timelines.

ANALYSIS OF ALTERNATIVES:

Analysis will be provided on completion of negotiations.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financial, staffing, or legal implications by proceeding with the analysis of the Bell Canada and Cisco response.

POLICIES AFFECTING PROPOSAL:

In accordance with Purchasing Policy for Negotiations #11, Procedure {iii} Where only one bid has been received or only one bid is deemed to be acceptable, but the price is in excess of budgeted funds, the Purchasing Section will proceed to negotiate conditions which will reduce costs to an acceptable level.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The RFP evaluation team includes representatives from Finance & Corporate Services, Community Services, Social & Public Health Services and Corporate Secretariat.

Financial and Legal Services staff will be consulted during this analysis phase.

CITY STRATEGIC COMMITMENT:

IP Telephony supports the City's strategic values:

- Fiscal accountability – this project will provide significant savings while improving service levels.
- Leadership – IP Telephony is a leading edge technology which will demonstrate the City's technology leadership and will provide a springboard for local businesses to implement the technology.
- Innovation – this project is an example of innovation within municipal government. It provides the City with the ability to provide improved services at a significantly lower cost by implementing an innovative technology which leverages the City's investment in its data network.
- Teamwork – implementing this technology demonstrates the teamwork among departments within the City and partnerships with the City's suppliers.
- Excellence – IP Telephony will provide the City with a best-of-breed technology.

IP Telephony will assist in reaching the City's strategic goals:

- A city of growth and opportunity – investment in infrastructure. By investing in a converged voice & data network infrastructure, the City will pave the way for additional growth and opportunity.
- A healthy, safe and green city – improving air quality. By providing increased flexibility for teleworking, IP Telephony technology will reduce the need for commuting and contribute to reduced pollution.
- A city that spends wisely and invests strategically – best practices, best value. IP Telephony will provide increased services at a greatly reduced cost – a very wise expenditure. By implementing this project, the City will define the best practices for municipal voice telecommunications.

- A city of choice for high performance public servants – business & service excellence. IP Telephony will provide high quality tools for staff, ensuring that high performance people will come to the City and will remain with the organization.

CITY OF HAMILTON

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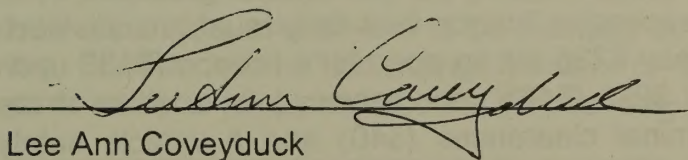
PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to: Mayor and Members Committee of the Whole	Submitted by: Lee Ann Coveyduck General Manager
Date: November 15, 2002	Prepared by: Douglas Rose 905-546-4586

**SUBJECT: Anti-Solicitation By-law to Prevent Accident Scene Solicitation
(PD02234) (City Wide)**

RECOMMENDATION:

- (a) That Schedule 28 and the respective licensing fees of the City of Hamilton Licensing By-law No. 01-156 respecting the licensing of Tow Trucks be repealed.
- (b) That the Anti-Solicitation By-law to Prevent Accident Scene Solicitation attached to Report PD02234 be approved.



Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The purpose of this report is to outline the need for an Anti-Solicitation By-law which will serve to protect the public at motor vehicle accident scenes from aggressive solicitation by tow truck services and auto body repair shop operators.

BACKGROUND:

In 1992, the City of Hamilton Council, at the request of the Hamilton-Wentworth Regional Police Department, passed a Licensing By-law to regulate tow truck owners and drivers that provide towing services at accident scenes. The purpose of this By-law was to control "chasers" and aggressive solicitation by tow truck and auto body repair operators at motor vehicle accident scenes.

Currently, Hamilton Police Services regulate and control tow vehicles at accident scenes through the Police Service Towing contract. This contract authorizes which tow vehicles may respond to accidents. In order to qualify for the Police Towing contract operators must be licensed by the City of Hamilton.

**SUBJECT: Anti-Solicitation By-law to Prevent Accident Scene Solicitation
(PD02234) (City Wide)- Page 2 of 3**

It has become apparent over the past number of years that both the Licensing of Tow Truck operators and the Police Service Contract have failed in their efforts to control "chasers" and aggressive solicitation at accident scenes. Accident victims are still being harassed by illegal tow operators and being charged excessive fees for tows, car rentals, storage fees and auto body repairs. These illegal operators are not only victimizing members of the public involved in the accident, but they are also taking away business that rightfully belongs to the tow truck operators contracted by the Police.

The Police have indicated that the nature of solicitation at accident scenes has changed over the past few years. In addition to the illegal tow truck operators, collision repair shops are also offering services at accident scenes, which include car rentals and body repairs. In many cases, the cost of repairs is greatly inflated, and members of the public have no option other than to pay the price, which the autobody shop demands in order to have the vehicle returned to the owner.

Licensed towers have expressed concerns to both the Standards and Licensing Section and Police Services respecting the level of enforcement; the duplication of requirements from the City for its licensing purposes; and the criteria to be met in order to be eligible for the police towing contract. For example, both the City and the Police require the operators to provide annual vehicle safety certificates, and criminal clearances and driver abstracts must be submitted by tow truck drivers and owners. Clearly there is duplication in the information and documentation that the operators must provide in order to obtain a licence and to be eligible to be considered for the Police towing contract. The operators are also concerned about the excessive licence fees they must provide each year. Currently a tow truck owner must pay \$235 for an operator's licence (\$185 upon renewal) and a tow truck driver must pay \$235 (\$185 upon renewal). In addition to the licence fees, driver abstracts (\$12); criminal clearances (\$40) and a vehicle safety certificates (\$300 to \$500) are expenses that the operators must pay annually to both the Police and the City.

At the direction of Chief Ken Robertson, the Hamilton Police have conducted a complete review of their police towing contract and the need to continue the licensing of tow truck owners and operators. As a result of their review, the Police have initiated a number of changes to the Police Services Towing contract that will enhance their ability to control the activity at accident scenes so that accident victims are not harassed by illegal solicitation.

Both the Standards and Licensing Section and Police Services believe that the licensing of Tow Truck operators is not the solution to the problems that occur at accident scenes. What is needed is an Anti-Solicitation By-law that addresses all forms of solicitation at accident scenes. The proposed By-law addresses not only illegal chasers, but would also make the solicitation of any business service at motor vehicle accident scenes illegal. Only Tow Operators authorized by the Police Service Towing contract and those requested by an accident victim would be allowed to attend accidents. The Licensing and Standards Inspectors and the Police have agreed to work together in a partnership to address the enforcement of the proposed By-law.

ANALYSIS OF ALTERNATIVES:

Retaining the requirement for the licensing of tow trucks and tow truck operators will not resolve the solicitation problems that exist at accident scenes and caused duplication of enforcement between Police Services and the Standards and Licensing Section.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

- Financial:** If Schedule 28 of the Licensing Code, respecting Tow Trucks were repealed there would be a decrease of approximately \$27,000 in licensing fee revenue. Currently there are 62 tow truck operators and 82 tow truck drivers licensed in the City of Hamilton
- Staffing:** Police Services and the Standards and Licensing Section have agreed to work together in partnership to address the solicitation problem. The current level of staffing in the Standards and Licensing Section would be sufficient to enforce the By-law on a random basis.
- Legal:** The development of the proposed Anti-Solicitation By-law was co-ordinated through Legal Services.

POLICIES AFFECTING PROPOSAL:

The proposed By-law will be a stand-alone by-law and will no longer require the tow truck operators and drivers to be licensed by the City of Hamilton. Police Services and the Standards and Licensing Section of the City of Hamilton have developed a partnership to jointly enforce the proposed by-law.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Staff consulted with representatives from the Police Services Board and the Hamilton towing industry, to determine the need to continue licensing tow truck operators and drivers, and to review the problems existing in the towing industry respecting aggressive solicitation at motor vehicle accident scenes. The development of the proposed By-law was co-ordinated through Legal Services.

CITY STRATEGIC COMMITMENT:

The proposed Anti-Solicitation By-law will serve to protect accident victims from aggressive business solicitation from operators who are not authorized to be at accident scenes. The By-law will ensure that standards are met and maintained within the business environment to protect public health and well being, and public safety and security in the City of Hamilton.

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

A By-Law to Prohibit Accident Scene Solicitation on Highways

WHEREAS Council may pass by-laws for prohibiting or regulating sales by retail on the highways pursuant to section 210, paragraph 73, of the Municipal Act, for prohibiting persons from soliciting or importuning, on a highway others to employ any vessel or vehicle, or to go to any hotel or boarding house or lodging house, or for regulating persons so employed pursuant to section 210, paragraph 121, of the Municipal Act, for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise pursuant to section 210, paragraph 123, of the Municipal Act, and for prohibiting the parking or leaving of motor vehicles on property owned or occupied by the municipality without the consent of the municipality pursuant to section 210, paragraph 131 of the Municipal Act;

AND WHEREAS Council deems it in the public interest to protect persons involved in vehicle accidents on public property and persons using the highways within the municipality, and to ensure that highways are kept free of obstructions and impedances at accident scenes for emergency vehicles and emergency personnel;

AND WHEREAS Council deems it no longer necessary to licence tow truck operators within the municipality;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. In this By-Law:

- (a) "business" has the same meaning as provided in Section 257.1 of the Municipal Act, R.S.O. 1990, Chapter M45, as amended;
- (b) "City" means the City of Hamilton, either in the sense of the geographic area of the municipality or the identity of the municipal corporation as the context requires;
- (c) "Council" means the council of the City of Hamilton;
- (d) "emergency personnel" means the operator, driver, attendant or personnel of an emergency vehicle;

- (e) "emergency vehicle" means ambulance or fire department vehicle as defined in section 61 of Highway Traffic Act, a police department vehicle or public utility emergency vehicle, a ministry emergency vehicle operated by an officer appointed to carry out the Highway Traffic Act, the Public Vehicles Act, the Truck Transportation Act, or the Environmental Protection Act while the officer is in the course of his or her employment;
 - (f) "firefighter" means a firefighter, within the meaning of subsection 1 (1) of the Fire Protection and Prevention Act, 1997;
 - (g) "highway" means a highway as defined in the Municipal Act, but does not include a King's Highway as defined in the Highway Traffic Act, or a road, street, bridge or highway laid out but not assumed for public use or established by by-law, whether built by a private person or body corporate;
 - (h) "Highway Traffic Act" shall be deemed to be a reference to the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended;
 - (i) "motor vehicle" means motor vehicle as defined in the Highway Traffic Act;
 - (j) "tow-truck" means a motor vehicle, which is designed, modified, or used, for towing, carrying, or lifting of disabled or inoperative motor vehicles, with or without the assistance or use of lifts, winches, dollies, trailers or the like equipment;
 - (k) "towing services" means the provision or use of a tow-truck, the assistance of the driver, and the use of the equipment carried or available for use in conjunction with the tow-truck for the pulling, carrying, or lifting of a motor vehicle, at a place located with the City of Hamilton; and
 - (l) "vehicle" means vehicle as defined in the Highway Traffic Act.
2. No person shall solicit or make or convey an offer of business services or goods, while that person is within 200 metres of,
- (a) the scene of a vehicle accident or apparent accident; or
 - (b) a vehicle involved in an accident, on a highway.
3. No person shall solicit the hiring of a tow-truck or make or convey an offer of towing services, while that person is within 200 metres of,

- (a) the scene of a motor vehicle accident or apparent accident; or
 - (b) a motor vehicle involved in an accident, on a highway.
4. No person shall park, stop or stand a tow-truck on a highway within 200 metres of,
- (a) the scene of a motor vehicle accident or apparent accident; or
 - (b) a motor vehicle involved in an accident.
5. Section 2 does not apply to towing services where the person is at the scene of the accident at the request of a police officer, a municipal fire fighter, an officer appointed for carrying out the provisions of the Highway Traffic Act, a person engaged in highway maintenance or a person involved in the accident.
6. Sections 3 and 4 do not apply to a person who is at the scene of the accident at the request of a police officer, a municipal fire fighter, an officer appointed for carrying out the provisions of the Highway Traffic Act, a person engaged in highway maintenance or a person involved in the accident.

Offence

7. Every person who contravenes any provision in this By-Law is guilty of an offence and on conviction is liable to a penalty in accordance with section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

Powers of officer to remove vehicle

8. A police officer, a municipal law enforcement officer, or an officer appointed for the carrying out of the provisions of this By-Law, upon discovery of any vehicle parked, stopped or standing in contravention of this By-Law, may cause it to be moved or taken to and placed or stored in a suitable place pursuant to subsection 170(15) of the Highway Traffic Act and section 210 paragraphs 131 of the Municipal Act, and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the Repair and Storage Lien Act, R.S.O. 1990, Chapter R.25, as amended.
9. If a Court of competent jurisdiction declares a part or the whole of any provision of this By-law to be invalid, of no force and effect or beyond the power of the Council to enact, such provision or parts thereof shall be deemed to be severable and all other provisions or parts thereof of this By-

law shall be deemed to be separate and independent therefrom and continue in full force and effect and it is the intention of Council that the remainder of this By-Law survive and be applied and enforced in accordance with its terms to the extent possible under the law.

Repeals

10. (1) The words "Schedule 28 Tow-trucks" shall be deleted Section 30 and "Tow Truck Owner" and "Tow Truck Driver" shall be deleted from Subsections 6(1)(e)(ii) and (iii) and Appendices "A", "B" and "C" of By-law No. 01-156 being "A By-Law to Licence and Regulate Various Businesses".

(2) Schedule 28 of By-law No. 01-156 is hereby repealed.

(3) The licensing categories and fees of "Tow Truck Owner", "Tow Truck Driver" and "Tow Truck" in Schedule 31 of By-law No. 01-156 are hereby deleted.

11. This By-Law may be referred to as the "City of Hamilton Highway Accident Non-Solicitation By-Law".

12. This By-Law comes into force on December 12, 2002.

PASSED and ENACTED this day of , 2002.

MAYOR

CLERK

CITY OF HAMILTON

BY-LAW NO. 100, 1997

AN ACT TO AMEND THE CITY OF HAMILTON ACT, 1997, RESPECTING THE
MAYOR AND COUNCIL OF THE CITY OF HAMILTON

ENACTED BY THE COUNCIL OF THE CITY OF HAMILTON

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND NINETEEN

THE SECOND DAY OF MAY

THE MAYOR AND COUNCIL OF THE CITY OF HAMILTON DO HEREBY ENACT, ENACTED AND ENACTING, AS THE CITY OF HAMILTON ACT, 1997, RESPECTING THE MAYOR AND COUNCIL OF THE CITY OF HAMILTON, AS AMENDED BY BY-LAW NO. 100, 1997, THAT THE

CITY OF HAMILTON ACT, 1997, RESPECTING THE MAYOR AND COUNCIL OF THE CITY OF HAMILTON, AS AMENDED BY BY-LAW NO. 100, 1997, SHALL BE AMENDED BY

THE FOLLOWING BY-LAW

1. The City of Hamilton Act, 1997, respecting the Mayor and Council of the City of Hamilton, as amended by By-law No. 100, 1997, shall be amended by adding the following section:

CITY OF HAMILTON

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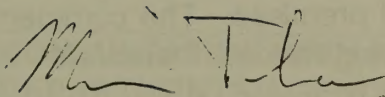
SOCIAL AND PUBLIC HEALTH SERVICES DEPARTMENT

Report to: Mayor and Members Committee of the Whole	Submitted by: Elizabeth Richardson, Medical Officer of Health Robert Hall, Director
Date: November 14, 2002	Prepared by: Eric Mathews, Manager 546-2186

SUBJECT: Safe Drinking Water Act SHP02029 (City Wide)

RECOMMENDATION:

- (a) That Council, from the perspective of a board of health, accept as information the concerns of the Medical Officer of Health on the proposed Safe Drinking Water Act, as attached in Appendix A to Report SPH02029, which has been sent to the Ministry of Environment for its review and consideration.


Associate Medical Officer of Health acting for:

Elizabeth Richardson, Medical Officer of Health
Social and Public Health Services Department

EXECUTIVE SUMMARY:

The introduction of *Bill 195, Safe Drinking Water Act, 2002*, (SDWA) on October 28, 2002 in the Legislative Assembly of Ontario is intended to implement 50 of 93 recommendations made by Justice O'Connor in his two reports on the Walkerton tragedy. The stated purpose of the SDWA is to protect human health and prevent drinking-water health hazards by controlling and regulating drinking-water systems and drinking water testing. The SDWA is a combination of new initiatives and consolidation of existing provisions in a variety of other statutes.

The purpose of this report is to advise City Council, from the perspective of the responsibilities of a board of health, of the concerns and impacts of the proposed SDWA specific to the public health mandate of the City and the Medical Officer of Health and that comments found in appendix A have been sent to the Ministry of Environment as per the Ministry's submission deadline of November 28, 2002.

BACKGROUND:

The purpose and spirit of the SDWA is encouraging and supported by the Social and Public Health Services Department (SPHSD). However, its requirements will exacerbate staffing, financial, liability, and integrity concerns already fostered by the recent implementation of regulations regarding drinking-water protection under the Ontario Water Resources Act (OWRA).

The Walkerton tragedy and the creation of the SDWA, with expected additional or revised regulations, have raised the profile and demands on staff of the SPHSD by the public, other government agencies, and providers of drinking water. It is expected that these demands will increase as more waterworks come into compliance with existing or anticipated drinking water regulations. In addition, the SDWA amends the interpretation and application of other legislation, regulations, and municipal bylaws where potable water is required including those under the Health Protection and Promotion Act (HPPA).

Determining the actual impact of the SDWA on the SPHSD can only be estimated, as the impact is directly related to the circumstances as they occur, the future interpretations of the SDWA, and the regulations yet to come. Financial implications are not limited to the City, as the requirements of the SDWA will impact business owners and operators, such as daycare centres and the many food premises. The comments on the impact of SDWA in Appendix A may change as regulations thereunder are created or amended.

ANALYSIS OF ALTERNATIVES:

Not applicable.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial Implications

The SDWA contains a small fraction of the information required to assess the cost implications to the City. The regulations under the SDWA that have to be made publicly available will greatly influence the financial and staffing implications.

Staffing Implications

The SDWA explicitly and implicitly involves the MOH on a consultative and enforcement basis in many circumstances, such as the fragmentation of a waterworks; suspending or revoking an approval to operate a waterworks; the staying of an appeal of a licence suspension; reporting adverse test results; relief from regulatory requirements; municipal consent to build or operate a non-municipal drinking-water system; in the event of a Minister's Order, a Director's Order, a Notice of Emergency Response, or an Order to Provide Service; and the supply of water from a deficient drinking-water system. This will impact the SPHSD with respect to required staffing levels, training, and the cost of providing services in general. Better estimates will be forthcoming pending the release of the regulations under the SDWA.

Legal Implications

The SDWA establishes specific new responsibilities for the Medical Officer of Health, which have resource implications for the Social and Public Health Services Department. These are summarised in Appendix A of this report. Similarly, in discharging the duties of a board of health, the City of Hamilton is required to provide programs and services in accordance with the Health Protection and Promotion Act and its regulations, which will be affected by the proposed SDWA as outlined in Appendix A.

POLICIES AFFECTING PROPOSAL:

The recommendation contained in this report will not alter or contravene any City policies.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Consultation has been undertaken with the Transportation, Operations and Environment Department and the Legal Services Division.

CITY STRATEGIC COMMITMENT:

The recommendation contained in this report is consistent with Council's strategy of enabling participation in government decision-making at all levels of government.

The Medical Officer of Health for City of Hamilton is encouraged by the introduction of the Safe Drinking Water Act (SDWA) but is concerned that the timeframe provided for the review of this proposed legislation is too short.

The Medical Officer of Health (MOH) for the City of Hamilton has concerns with the proposed SDWA from three main perspectives:

1. The SDWA is unclear how the requirement for "potable water" in any other Act or municipal bylaw will work in practice. Specifically how the Social and Public Health Services Department (SPHSD) will continue to investigate drinking-water health hazards and "check" the potability of drinking water without detrimental financial impacts, while maintaining the integrity of the sampling process.
2. The duty to report and respond to adverse drinking-water test results needs further clarification.
3. The implied or explicit involvement of the MOH in many circumstances creates impacts concerning staffing, training, finances, liability, and the integrity of monitoring and investigative activities pertaining to drinking water.

Potable Water

The SDWA states that despite any other Act, a requirement that water be "potable" in any Act, regulation, order or other document issued under the authority of any Act or in a municipal by-law shall be deemed to be a requirement to meet, at a minimum, the requirements of the prescribed drinking-water quality standards.

The SPHSD is responsible for enforcing the Health Protection and Promotion Act and the Food Premises Regulations and the Recreational Camp Regulations thereunder. This legislation specifically requires that "any person who owns a residential building shall provide "potable" water, and "every Food Premises shall be provided with a supply of "potable" water, and "every operator shall ensure that the water supply of each camp is,...potable".

Where such establishments are not supplied with water from a regulated municipal water supply the Social and Public Health Services Department has an obligation to be diligent when routinely inspecting, or responding to drinking-water health-hazard complaints, under the above mentioned legislation. In these circumstances, our activities include verification of the potability of the water supply at "rural" Food Premises, "rural" residential buildings that are not occupied by the owner, "rural" recreational camps, schools, daycare centres, nursing homes, group homes, most Fall Fairs, etc. Currently staff verify water quality at these sites by taking water samples for bacterial analysis only.

Under the SDWA, the Ontario Drinking Water Standards (ODWS) would apply to all potable water supplies. The ODWS standards are considered to be minimum levels of quality and include 160 health-related standards. It is unclear what the role and obligation of the SPHSD would be in verifying the quality of potable water supplies that would be captured under this new provision of the SDWA: Would it include reviewing

records, or testing of water, and if so, at what frequency? The cost of analysis for the health-related parameters is very significant and would put pressure on existing budgets if it were determined that this was a departmental role. The department must ensure the integrity of checking the potability of drinking water and remain diligent when performing our regulatory duties, but minimize the economic impact on the ratepayer.

There are several options to deal with the costs of water analysis where and when water is required to be potable under the Health Protection and Promotion Act and regulations thereunder;

- (a) The Ministry of Environment or Ministry of Health and Long-Term Care cover 100% of the analysis costs.
- (b) The owner of the water supply cover the costs of water analysis, but the sampling be performed or witnessed by the Social and Public Health Services Department or other government agency.
- (c) The Social and Public Health Services Department budget for water analysis costs and carry out testing at a prescribed frequency.

Duty to Report Adverse Results

The SDWA states that every prescribed adverse result of a drinking-water test conducted on any waters from a municipal drinking-water system or a regulated non-municipal drinking-water system shall be reported to the Medical Officer of Health immediately after the adverse result is obtained.

Currently, approximately 500 results are reported to the Social and Public Health Services Department annually. These arrive in one of three different ways: telephone, FAX, and e-mail. The reporting lab requires that direct communication be made with professional staff to consider the adverse water report delivered by telephone. These reports are assessed regarding the level of risk to public health and responded to according to the assigned level of risk. The number of adverse reports is expected to increase as more waterworks come into compliance with Regulation 505/01. It is not anticipated that the ODWS will be revised to lessen the reporting burden.

The increased number of reports will require increased staff to receive, coordinate, track, assess, and respond to adverse water reports. As well, the Ministry of Health and Long Term Care is piloting and planning to implement an electronic notification system that will download adverse water reports from private water samples to all health departments. This will require training and professional staff to physically attend the download computer to retrieve adverse water reports generated by public health laboratories seven days per week. Staff will be required to assess and respond to adverse reports in a timely manner.

Report by Auditor of Violations

The auditor of a waterworks is required to report any deficiency or violation of the SDWA discovered by an auditor to the Director.

Depending on the violation or deficiency, this information may require consultation, investigation, a public announcement, or response by the MOH, which will place demands on SPHSD staff and resources. The number of deficiency or violation reports cannot be estimated, but each one will likely require a diversion of SPHS staff from their existing duties.

License Condition, Relief from Regulatory Requirement

The Director has the ability to remove or alter, in a condition of a municipal drinking water license, the duty of strict compliance with a specified regulatory requirement.

It is anticipated that this will have to be supported by an assessment or consultation process, and the MOH will, or should be, involved in this process.

Prohibition, Development

The SDWA prohibits any person from building or operating a non-municipal drinking-water system that is intended to serve a major residential development without written consent from the municipality under section 93 of the Municipal Act, 2001. The municipality must inform the Director within 30 days of granting such consent.

Will the MOH be involved in the consent process to operate a non-municipal drinking water system? It is anticipated that the MOH will or should be involved in this process.

Director's Decision

The Director has the authority to authorize the fragmentation of a non-municipal system when he/she has consulted with the Medical Officer of Health, the owner of the system has proven that all users of the system have been notified, and that the fragmentation will not expose users to a drinking-water health-hazard or endanger the natural environment.

The MOH is required to provide consultation to the Director. This will require staff resources to assess the risk to public health, which may lead to additional consultation with other City departments or external enterprises. This will divert staff from present duties and responsibilities.

Condition in Approval, Relief from Regulatory Requirements

The Director has the ability to remove or alter, in a condition of an approval, the duty of strict compliance with a specified regulatory requirement, relating to testing or monitoring or reporting of drinking-water quality or the treatment of water in a drinking-water system. The Director is only able to do this when an owner has made a written request, and in accordance with any more specific provisions outlined in the regulations.

In this section, the owner must obtain all consents from individuals that are required by the regulations before relief may be given. The regulations haven't been released for public review. It is anticipated that the MOH will be involved in the consent process by a request for relief from complying with a condition of approval.

Suspension, Revocation of Approval

The Director has the authority to suspend an approval when of the opinion that the continued operation of the system would create a drinking-water health-hazard, or if the owner of the system has failed to correct a deficiency, is abandoned, or if the system is not operated by an Accredited Operating Authority if required to do so under the Act.

Such a suspension will likely require a response by the MOH, and such a suspension or revocation is expected to be done with prior consultation with MOH. As above, this would require additional resources to assess and respond to the situation.

The legislation is unclear when the suspension of an approval to operate a non-municipal drinking-water system involves ceasing the operation of such a system, whereas revoking the approval does not appear to cause the operation to cease. What is the difference? Is there a need to differentiate between "suspend" and "revoke" an approval? Each process will likely require a response or consultation with the MOH, although not specified in the SDWA. The termination of operation of a non-municipal drinking water system may lead to an order from the Director, after consultation with the medical officer of health, ordering a municipality to provide service to a major residential development.

Suspension of License

The Director can suspend a license if the continuing provision of drinking-water testing services by a laboratory could endanger public health, or if a laboratory is no longer authorized to provide any drinking-water testing service.

Whenever there is a danger to public health, or a perceived danger to public health, the MOH is expected to be involved if circumstances affect the population of the MOH's jurisdiction. This is another example of a circumstance that will likely put demands on the MOH and their staff to respond publicly to such an event.

Public Health Endangered if Decision Stayed

The Director is required to serve a copy of the decision to suspend the license of a laboratory, with reasons, to the Chief Medical Officer of Health if the Director believes that staying the decision by appeal would be likely to endanger public health.

It is expected that the Chief MOH will consult or communicate with the local MOH regarding the risks of staying such an appeal, and further action by the local MOH may be required.

Minister's Order – Imminent Drinking-Water Health Hazard

The Minister can issue an order to one or more drinking water systems where an imminent drinking-water health-hazard exists. The Director can also, by order, suspend one or more lab licenses issued under Part VII for up to 90 days, or to issue a direction to licensed labs on how drinking water tests should be carried out if the Minister is of the opinion that a failure or a thing done by a lab in respect of a drinking water test endangers or is likely to endanger public health.

The requirements of the order, level of risk to public health, which water distribution system is affected, how much of the system is affected, etc., will dictate the impact on the Social and Public Health Services Department. This could theoretically exceed the SPHSD human resources.

Director's Order – Imminent Drinking-Water Health Hazard

The Director can issue an order to an owner or operating authority of the system where the Director is of the opinion that an imminent drinking-water health-hazard exists. The local MOH must be notified of the order.

The requirements of the order, level of risk to public health, which water distribution system is affected, how much of the system is affected, etc., will dictate the impact on the Social and Public Health Services Department. This could theoretically exceed the SPHSD human resources.

Notice of Emergency Response

The Director can arrange for the Ontario Clean Water Agency or any other person to take charge of or cease or restrict the operation of a drinking water system, or provide alternate water supplies if the owner or operating authority failed or refused to cease or restrict the system, or an imminent health hazard exists. The Minister may also direct the Director to make arrangements to alleviate the health hazard. The Director shall give a copy of the notice to the Chief Medical Officer of Health and local Medical Officer of Health, the local municipality, the Minister, the owner of the system, and the Agency.

Emergencies especially involving drinking water supplies that pose an imminent health hazard have involved the MOH in the past. However, there are now additional consultative implications related to emergency response that involves the MOH, as outlined in the section below.

Supply of Water from Deficient System

Where a drinking-water system has been identified as deficient by a notice, the MOH may advise the Director that the water may still be used for other domestic purposes and of the manner in which it may be used.

The Medical Officer of Health will need all information from all agencies regarding the water quality in order to assess the risk to public health and the uses for which the water in the affected system can be used. The Medical Officer of Health may need to undertake her own studies prior to making statements or providing advice. This information will need to be assessed by one or more consultants knowledgeable about the health-related impacts of the parameters of concern. This will have a financial and human resource impact that will be dictated by the deficiency.

Order to Provide Service

The Director has the authority, after consulting with the Medical Officer of Health, to order a municipality to provide service to a major residential development, including circumstances that would lead to an order, compliance methods, authority for the Director to act where the municipality fails to comply, and notice provisions.

The requirements of the order, the circumstances preceding the order, the risk to public health, which water distribution system is affected, how much of the system is affected, etc., will dictate the impact on the Social and Public Health Services Department.

Amendment to Health Protection and Promotion Act

Section 167 amends section 62 of the Health Protection and Promotion Act to deal with vacancies of the position of Medical Officer of Health if a position becomes vacant.

This is not expected to be an issue, but what are the tools and resources contemplated for enabling boards of health to recruit and fill vacant MOH positions?

Special Comments

For greater emphasis and clarity, but not to eliminate the need for the Ministry of Environment to glean suggestions for improvements from the above, the following points are made for the benefit of the Ministry for their consideration in finalizing the proposed SDWA:

Section 3(1)(a): Should be explicit as to whom the Minister is making his/her recommendations for standards.

Section 42(3)(e): The local medical officer of health should be explicitly named as a person from whom the owner must receive consent.

Section 56(3)(e): The local medical officer of health should be explicitly named as a person from whom the owner must receive consent.

Section 74: The Director should notify the local medical officer of health when a licence is revoked.

Section 76(1): The Director should also serve a copy of the decision on the local medical officer of health.

Section 104(3)5: The local medical officer of health should also be provided with a copy of an order issued by the Minister under this section.

Section 127(2)(d): The local medical officer of health should also be provided the opportunity to provide advice to the Tribunal.

In conclusion, while the proposed legislation is a necessary and welcome addition to the regulatory framework for drinking water systems, it raises a number of challenges for municipalities, as outlined above, that must be addressed thoughtfully, especially given the financial obligations that will ensue.

CITY OF HAMILTON

14.1

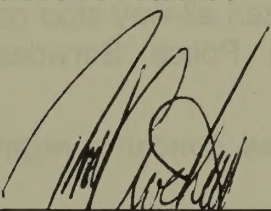
TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to: Mayor and Members Committee of the Whole	Submitted by: Peter M. Crockett, P.Eng. General Manager
Date: November 18, 2002	Prepared by: Chris van Berkel Extension 5663

**SUBJECT: Avondale Street and Mons Avenue - Request for All-Way Stop
Control (TOE02211) - (Ward 3)**

RECOMMENDATION:

That the existing eastbound and westbound stop control on Mons Avenue at Avondale Street be retained.



Peter M. Crockett, P.Eng., General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Councillor Bernie Morelli has requested that all-way stop control be implemented at the intersection of Mons Avenue and Avondale Street.

The subject intersection is a four-leg intersection where currently, eastbound and westbound traffic on Mons is required to stop for northbound and southbound traffic on Avondale. Records indicate that there have been no reported collisions at this intersection in the past 5 years. This is an excellent collision record, which could not be improved upon by the implementation of all-way stop control.

The vehicular and pedestrian volumes were found to be very low, since Mons is a dead-end street, east of Avondale and Avondale is a dead-end street, north of Mons. Visibility at this intersection is good. This intersection does not meet the criteria for all-way stop control as approved by City Council last year.

BACKGROUND:

The information/recommendations contained within this report primarily affects Ward 3.

**SUBJECT: Avondale Street at Mons Avenue - Request for All-Way Stop Control
(TOE02211) - (Ward 3) - Page 2 of 3**

Councillor Bernie Morelli has requested that all-way stop control be implemented at the intersection of Avondale Street and Mons Avenue. The subject intersection is a four-leg intersection and currently, eastbound and westbound traffic on Mons Avenue is required to stop for northbound and southbound traffic on Avondale Street. Pedestrian and vehicular volumes at this intersection were found to be very low. This is likely since Mons is a dead-end street, east of Avondale and Avondale is a dead-end street, north of Mons. Visibility at this intersection is good.

Records indicate that there have been no reported collisions at the subject intersection in the past five years. This is an excellent collision record, which could not be improved upon by the implementation of all-way stop control. Additional stop controls on Avondale will increase response times by emergency vehicles.

Therefore, in view of the above, it is recommended that the existing eastbound and westbound stop control on Mons Avenue at Avondale Street be retained.

ANALYSIS OF ALTERNATIVES:

All-way stop control is intended to assist in assigning right-of-way to drivers and pedestrians, or to reduce the collision potential at intersections exhibiting a high frequency of angle type collisions. The installation of unwarranted stop control increases driver disrespect of stop signs, and ultimately will increase the potential for collisions at all stop-controlled intersection in the City. Unwarranted all-way stop control locations will also increase the demand on the Hamilton Police Services for enforcement of "fail to stop" infractions.

The following options are available to the residents to address concerns regarding motorists' poor driving habits:

- Participate in the Neighbourhood Speed Watch Program
- Report aggressive drivers to the Hamilton Police Services Road Rage Hotline
- Request enforcement from the Hamilton Police Services

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

All-way stop control at the subject intersection is not supported by the City Council approved policy entitled the "Installation Policy for All-way Stop Control at Intersections".

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

N/A

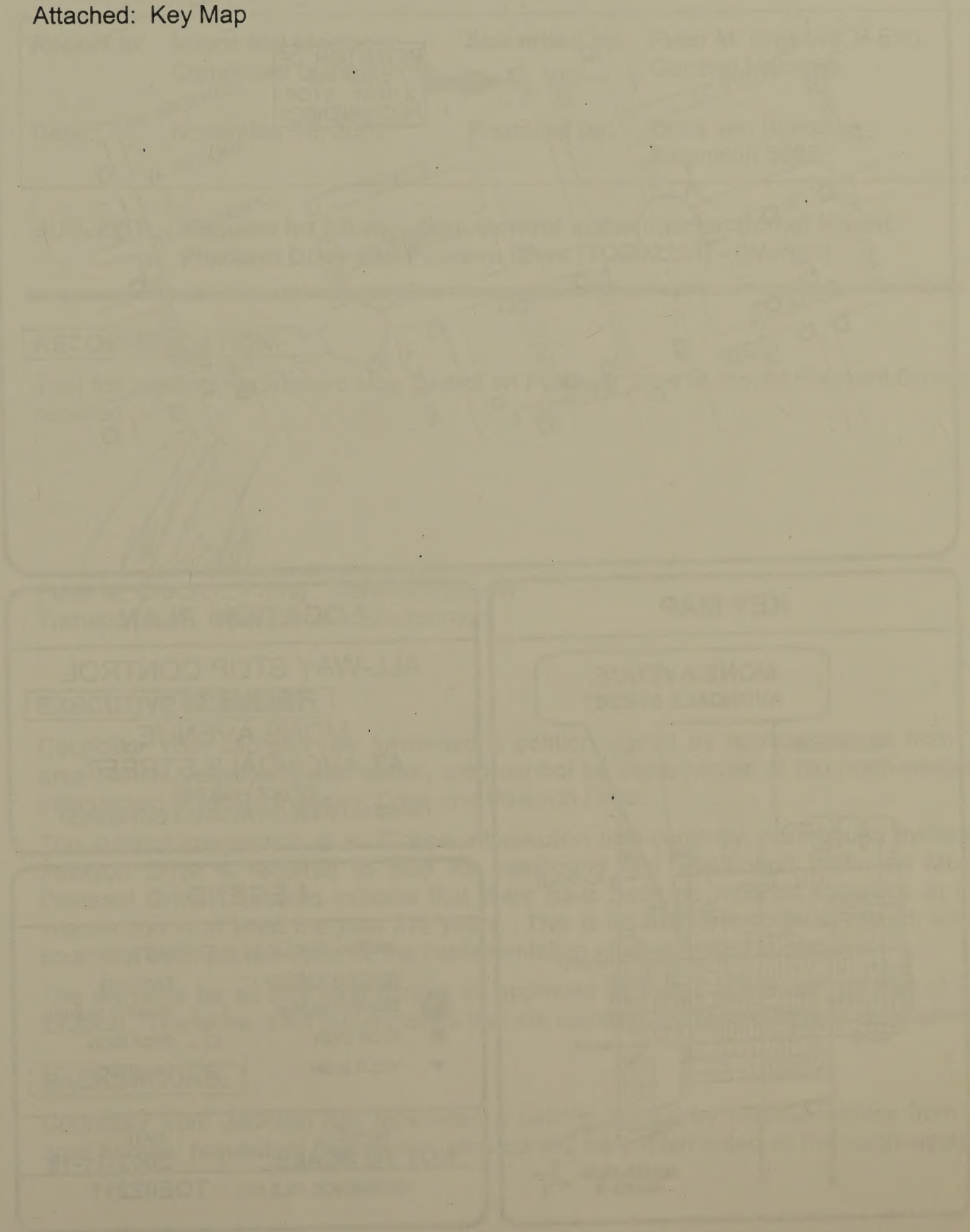
CITY STRATEGIC COMMITMENT:

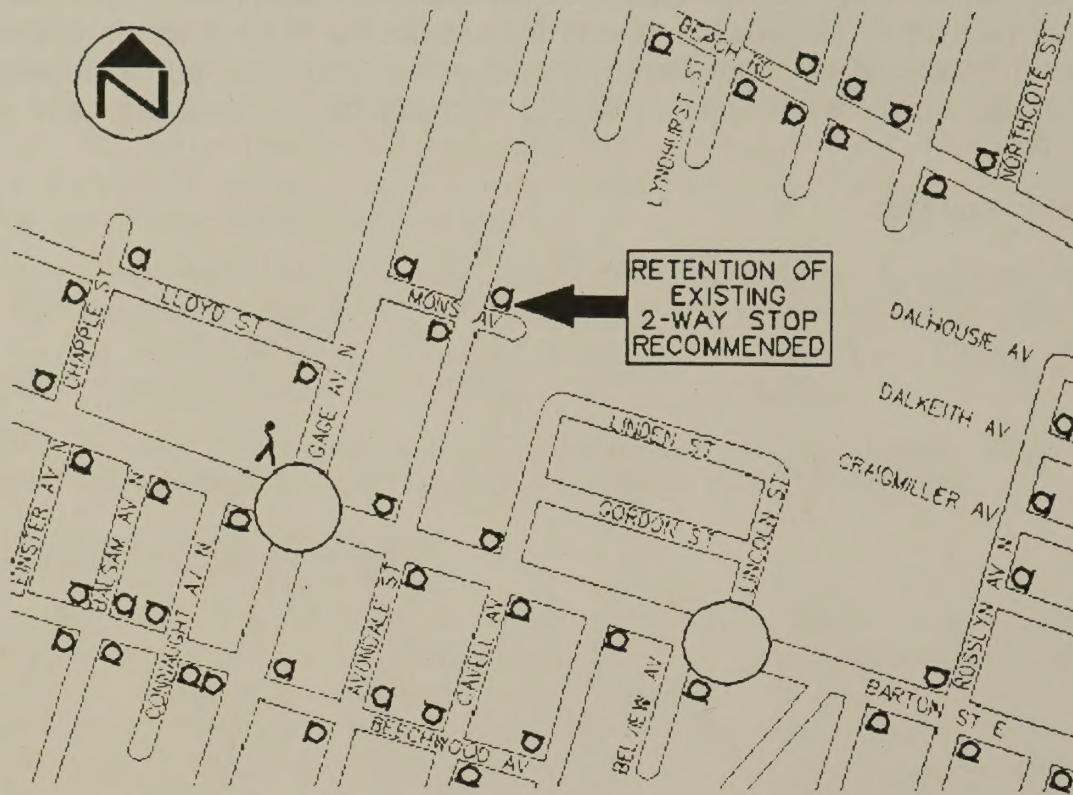
The overall effect of the installation of unwarranted all-way stops is the potential for increased collision occurrences with other vehicles, cyclists and pedestrians, which is contrary to the City's goal of improved public safety.

**SUBJECT: Avondale Street at Mons Avenue - Request for All-Way Stop Control
(TOE02211) - (Ward 3) - Page 3 of 3**

Installing stop control results in increased vehicle emissions and fuel consumption. It is common for staff to receive complaints from residents living adjacent to all-way stop controlled intersections, regarding increased noise levels caused by screeching tires and vehicle acceleration, poor stopping compliance by motorists and increased congestion.

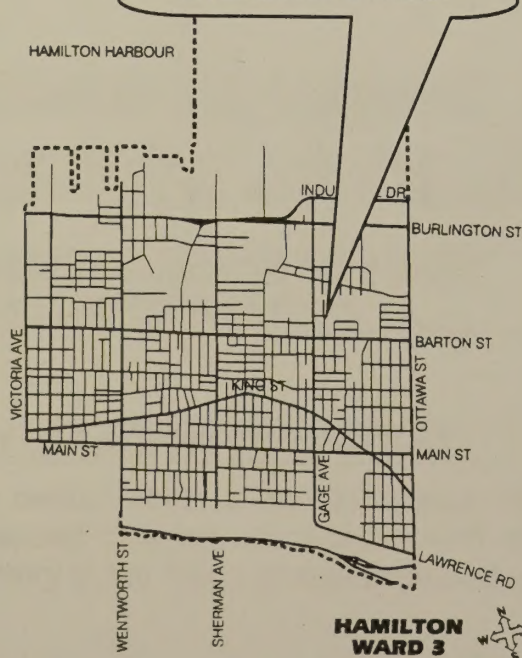
Attached: Key Map





KEY MAP

MONS AVENUE, AVONDALE STREET



**HAMILTON
WARD 3**

LOCATION PLAN

ALL-WAY STOP CONTROL REQUEST: MONS AVENUE AT AVONDALE STREET

CITY OF HAMILTON
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

 **SUBJECT INTERSECTION**

RECOMMENDED

-  **TRAFFIC SIGNAL**
-  **STOP SIGN**
-  **YIELD SIGN**

EXISTING

-  **TRAFFIC SIGNAL**
-  **STOP SIGN**
-  **YIELD SIGN**

SCALE
NOT TO SCALE

DATE
2002-11-18

REFERENCE FILE NO: **TOE02211**

CITY OF HAMILTON

14.2

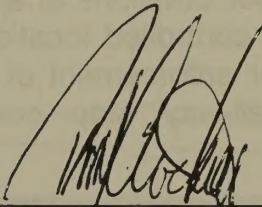
**TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic**

Report to: Mayor and Members Committee of the Whole	Submitted by: Peter M. Crockett, P.Eng. General Manager
Date: November 18, 2002	Prepared by: Chris van Berkel Extension 5663

SUBJECT: Request for All-way Stop Control at the Intersection of Mount Pleasant Drive and Pearson Drive (TOE02214) - (Ward 6)

RECOMMENDATION:

That the existing northbound stop control on Pearson Drive at Mount Pleasant Drive be retained.



Peter M. Crockett, P.Eng., General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Councillor Tom Jackson has forwarded a petition signed by representatives from 16 area homes, requesting that all-way stop control be implemented at the north-westerly intersection of Mount Pleasant Drive and Pearson Drive.

The subject intersection is a "T" type intersection and currently, northbound traffic on Pearson Drive is required to stop for eastbound and westbound traffic on Mount Pleasant Drive. Records indicate that there have been no reported collisions at this intersection in at least the past five years. This is an excellent collision record, which could not be improved upon by the implementation of all-way stop control.

The warrants for all-way stop control as approved by City Council are not met at this location. Therefore, staff recommends that the current form of stop control be retained.

BACKGROUND:

Councillor Tom Jackson has forwarded a petition signed by representatives from 16 area homes, requesting that all-way stop control be implemented at the north-westerly

SUBJECT: Request for All-way Stop Control at the Intersection of Mount Pleasant Drive and Pearson Drive (TOE02214) - (Ward 6) - Page 2 of 2

intersection of Mount Pleasant Drive and Pearson Drive. Councillor Jackson and the residents have expressed concern regarding high vehicular speeds and volume.

The subject intersection is a "T" type intersection and currently, northbound traffic on Pearson Drive is required to stop for eastbound and westbound traffic on Mount Pleasant Drive. Records indicate that there have been no reported collisions at this intersection in at least the past five years. This is an excellent collision record, which could not be improved upon by the implementation of all-way stop control.

Recent speed and volume studies did not support the claim of high speeds and volume. In fact, the 85th percentile speed (the speed at which 85 percent of the motorists are travelling at or below) was 36 km/h for westbound and 42 km/h for eastbound traffic on Mount Pleasant. The vehicular and pedestrian volumes were also very low.

The warrants for all-way stop control are not met at this intersection and therefore, staff recommends that the current form of stop control be retained.

ANALYSIS OF ALTERNATIVES:

All-way stop control is intended to assist in allocating right-of-way to drivers and pedestrians, or reduce the collision potential at intersections exhibiting a high frequency of angle type collisions. The installation of unwarranted stop control will increase driver disrespect of stop signs, and ultimately increase the potential for collisions at any stop controlled intersection in the City. Unwarranted all-way stop controlled locations will also increase the demand on the Hamilton Police Services for enforcement of "fail to stop" infractions. The implementation of unnecessary all-way stop controlled intersections, increase response times for emergency vehicles.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

All-way stop control is not supported by the City's policy on all-way stop control.

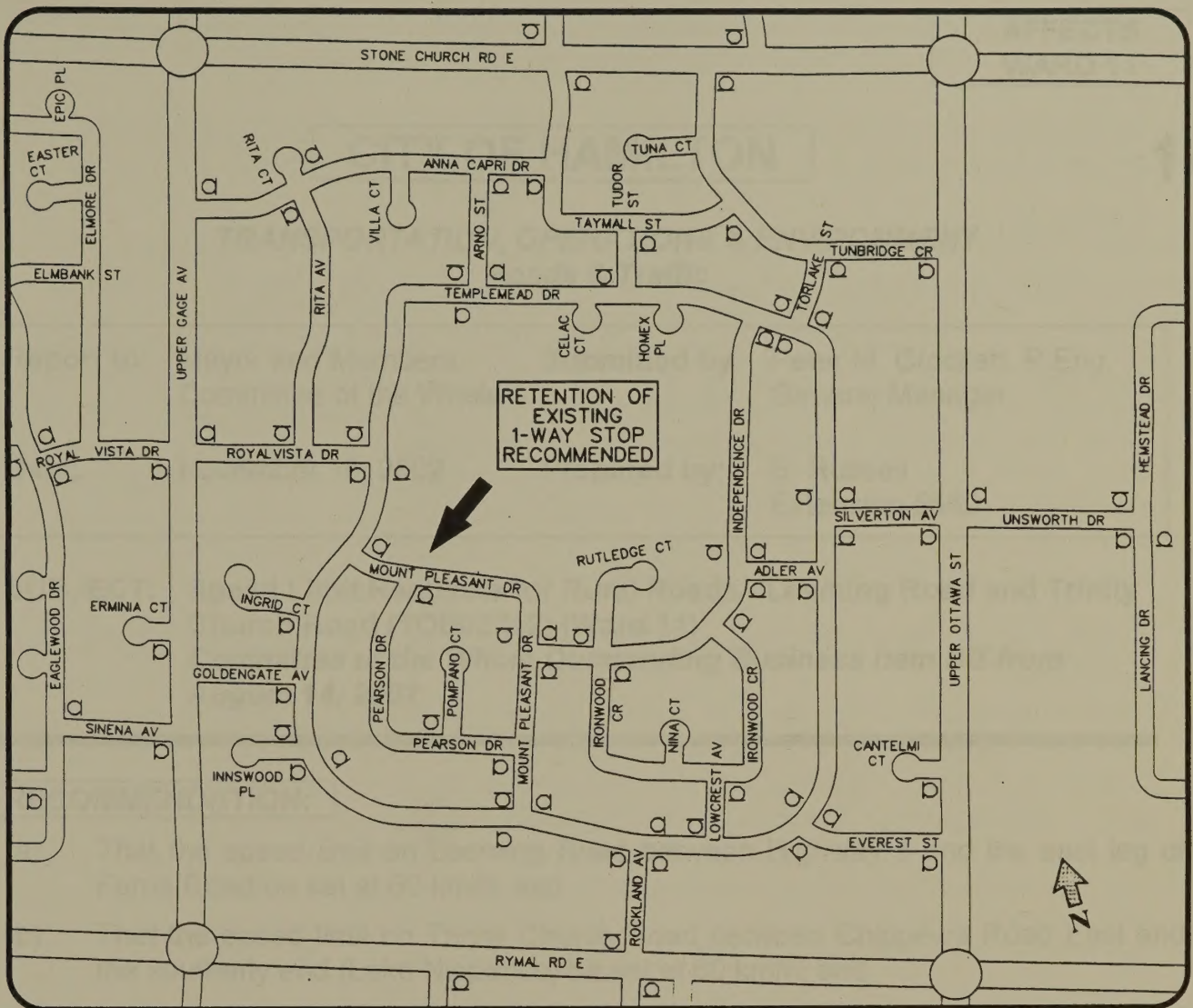
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

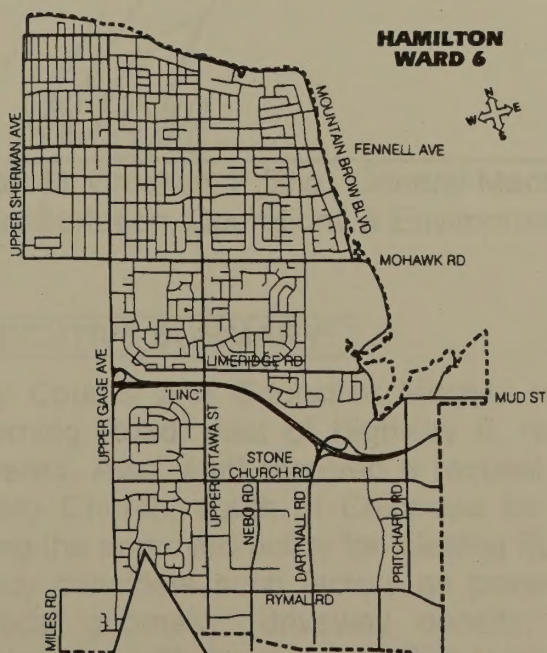
CITY STRATEGIC COMMITMENT:

Unwarranted all-way stop controlled intersections increase unnecessary air, dust and noise pollution contrary to the City's vision of a cleaner environment.

Attached: Key Map



KEY MAP



**MOUNT PLEASANT DRIVE
AND PEARSON DRIVE**

LOCATION PLAN

**ALL-WAY STOP REQUEST:
NORTH INTERSECTION OF
MOUNT PLEASANT DRIVE
AND PEARSON DRIVE**

CITY OF HAMILTON
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

➔ SUBJECT INTERSECTION

RECOMMENDED

● TRAFFIC SIGNAL

◐ STOP SIGN

▼ YIELD SIGN

EXISTING

○ TRAFFIC SIGNAL

◑ STOP SIGN

▽ YIELD SIGN

SCALE

NOT TO SCALE

DATE

2002-11-18

REFERENCE FILE NO: **TOE02214**

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LOCATION PLAN

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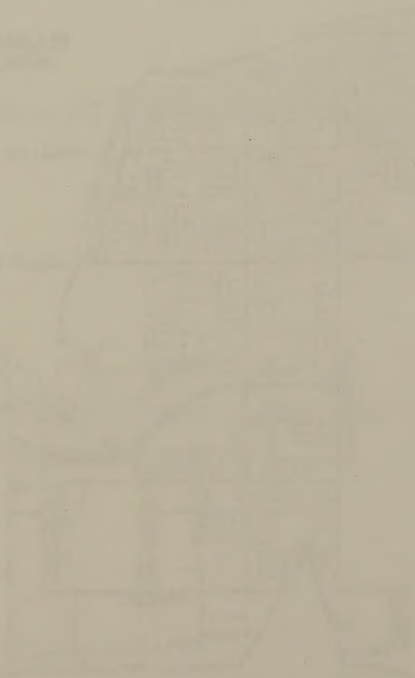
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NOTES

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KEY MAP



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CITY OF HAMILTON

14.3

**TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic**

Report to: Mayor and Members
Committee of the Whole

Submitted by: Peter M. Crockett, P.Eng.
General Manager

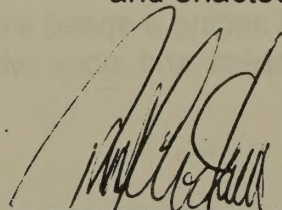
Date: November 18, 2002

Prepared by: S. Russell
Extension 5660

SUBJECT: Speed Limit Requests for Rural Roads - Leeming Road and Trinity Church Road (TOE02212) (Ward 11)
Committee of the Whole Outstanding Business Item BB from August 14, 2002

RECOMMENDATION:

- (a) That the speed limit on Leeming Road between Highway 6 and the east leg of Ferris Road be set at 60 km/h; and
- (b) That the speed limit on Trinity Church Road between Chippewa Road East and the southerly end (Lake Niapenco) be set at 60 km/h; and
- (c) That the attached by-law to amend the City of Hamilton By-law 01-215 be passed and enacted.



Peter M. Crockett, P.Eng., General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

City Council and Councillor Mitchell received a petition signed by the residents of Leeming Road, east of Highway 6, requesting that the speed limit on Leeming be lowered. Also, staff received a request from an area resident that the speed limit on Trinity Church, south of Chippewa be reviewed. Staff has reviewed these requests using the approved policy for "Setting Speed Limits on City of Hamilton Roadways". The policy considers such factors as pavement width, length of roadway, horizontal and vertical geometry, driveway density, and vehicular and pedestrian volumes. In conjunction with the policy, staff determined the 85th percentile speed of each road. The 85th percentile speed is the speed at which 85% of the traffic is travelling at or below. Also, staff physically drove each section of roadway in order to personally assess the

SUBJECT: Speed Limit Requests for Rural Roads - Leeming Road and Trinity Church Road (TOE02212) - (Ward 11) - Page 2 of 3

appropriateness of the Speed Limit Policy result. Staff supports lowering the speed limit on the subject roads.

BACKGROUND:

Leeming Road between Highway 6 and the east leg of Ferris Road

City Council and Councillor Mitchell forwarded a petition signed by area residents requesting that the speed limit on Leeming between Highway 6 and the easterly end be lowered to 60 km/h. This 1.7 km section of Leeming has a posted speed limit of 80 km/h. The road has a pavement width of 6.0m with minimal gravel shoulder on either side. There is a vertical curve at the westerly end of the road that limits motorist's visibility and a horizontal curve at the easterly end with a posted advisory speed of 20 km/h. As part of the review, staff drove the road to properly assess the speed limit and determined that a 60 km/h speed limit would be appropriate.

Trinity Church Road between Chippewa Road East and the southerly end (Lake Niapenco)

Staff received a request from an area resident that the speed limit on Trinity Church between Chippewa and the dead-end be reduced. North of Chippewa, the speed limit is posted at 60 km/h. This section of Trinity Church has a posted speed limit of 80 km/h and is approximately .9 km in length. The road has a pavement width of 6.0m. There are several vertical curves that limit motorist's visibility. The south end of Trinity becomes a dead-end at Lake Niapenco. Based on the Speed Limit Policy, a speed limit of 60 km/h would be appropriate for this road. Staff recommends that the speed limit on this section of Trinity Church be set at 60 km/h.

ANALYSIS OF ALTERNATIVES:

An alternative would be to take no action. However, the objective of setting a speed limit is to provide a speed limit that the majority of motorists will respect and obey with minimal police enforcement.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in regular current accounts to cover the cost of manufacturing, erecting and maintaining the required signs.

POLICIES AFFECTING PROPOSAL:

The subject recommendations are in keeping with the approved policy for "Setting speed Limits on City of Hamilton Roadways".

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

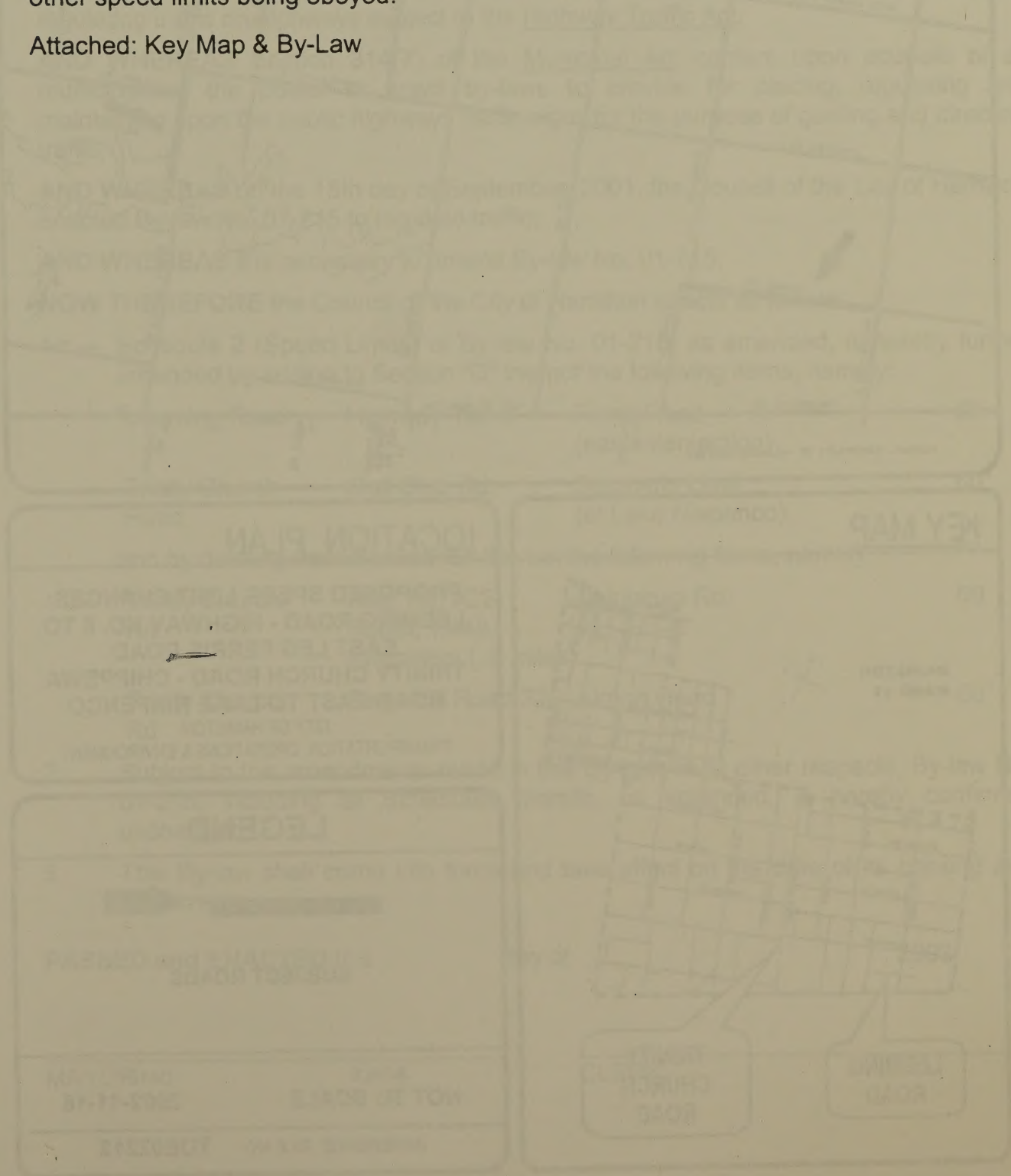
Properly set speed limits promote safety. If drivers encounter the same type of conditions under a given speed limit and there are few surprises, compliance and safety

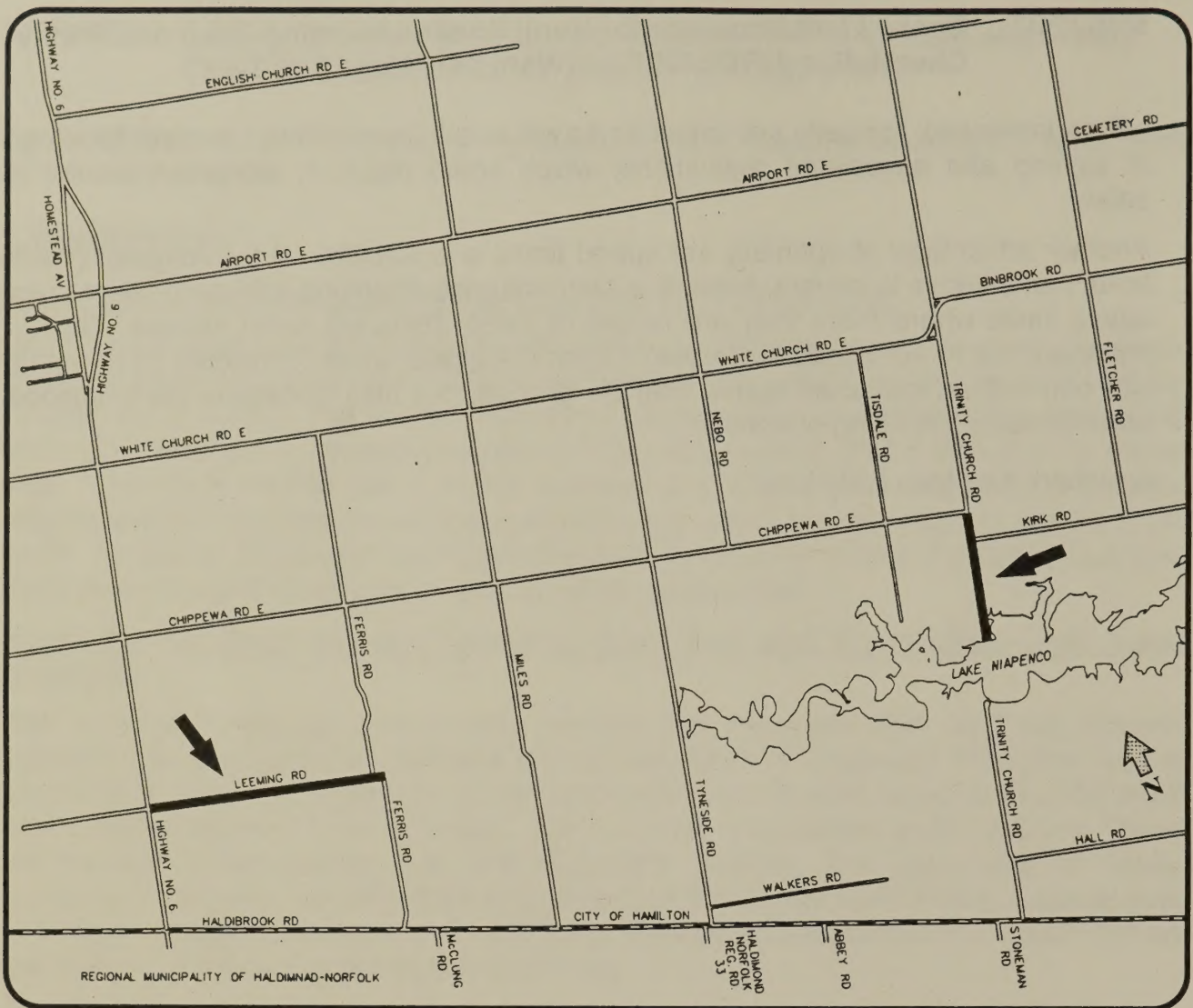
SUBJECT: Speed Limit Requests for Rural Roads - Leeming Road and Trinity Church Road (TOE02212) - (Ward 11) - Page 3 of 3

will be increased. Properly set speed limits will also increase driver respect for all types of signing and associated regulations, which could result in increased overall road safety.

Another advantage of optimally set speed limits is credibility. If the majority of speed limits make sense to drivers, there is a better chance of getting drivers to react to lower speed limits where there truly are issues of safety requiring lower speeds. Thus, it is important not to set speed limits below what the typical driver considers to be realistic. Not only will an individual speed limit be ignored, but also it lessens the likelihood of other speed limits being obeyed.

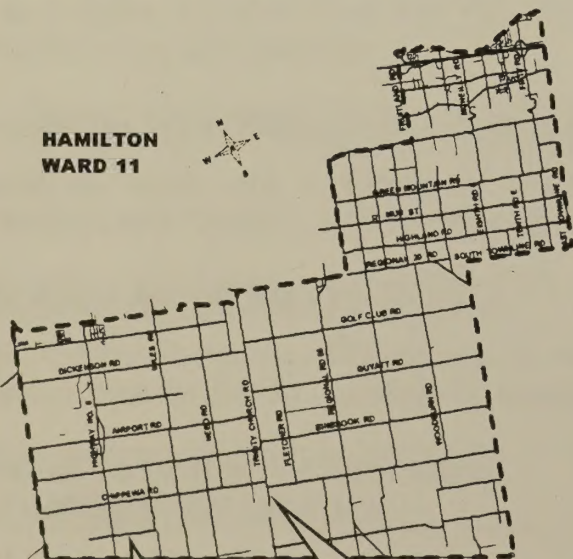
Attached: Key Map & By-Law





KEY MAP

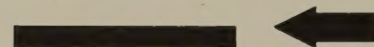
HAMILTON
WARD 11



LOCATION PLAN

PROPOSED SPEED LIMIT CHANGES:
LEEMING ROAD - HIGHWAY NO. 6 TO
EAST LEG FERRIS ROAD
TRINITY CHURCH ROAD - CHIPPEWA
ROAD EAST TO LAKE NIAPENCO
 CITY OF HAMILTON
 TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND



SUBJECT ROADS

SCALE
NOT TO SCALE

DATE
2002-11-18

REFERENCE FILE NO: TOE02212

CITY OF HAMILTON

BY-LAW NO. 02-

To Amend By-law No. 01-215
Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 2 (Speed Limits) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "D" thereof the following items, namely:

"Leeming Road	Highway No. 6	Ferris Road (east intersection)	60
Trinity Church Road	Golf Club Rd.	Southerly Limit (at Lake Niapenco)	60"

and by deleting from Section "D" thereof the following items, namely:

"Trinity Church Rd	Reg. Rd. #22, South, 1.448 kilometers (,.9 miles)	Chippewa Rd.	60
Trinity Church Rd	Regional Road 22	Airport Road	60"

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this day of , 2002

MAYOR

CLERK

CITY OF HAMILTON

14.4

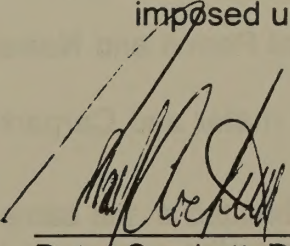
**TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic**

Report to: Mayor and Members Committee of the Whole	Submitted by: Peter M. Crockett, P. Eng. General Manager
Date: November 28, 2002	Prepared by: George Brovac Extension 4577

SUBJECT: Policy Respecting Temporary Road Closures for Special Events in Hess Village (TOE02215) - (Ward 2)

RECOMMENDATION:

- (a) That temporary road closures for special events in Hess Village be permitted on the following three occasions each year:
 - i) One weekend closure in each of the months of June and August, from 10:00 a.m. on a Friday until 10:00 a.m. on the following Monday; and
 - ii) One consecutive five day closure in July from 10:00 a.m. on a Wednesday until 10:00 a.m. on the following Monday; and
- (b) That the policy attached to this report as Appendix "A" entitled "Policy for Special Events in Hess Village" be endorsed and approved as the policy controlling Special Events in Hess Village, with the policy to come into effect on January 1, 2003.
- (c) Where there is a conflict between a condition imposed under the "Policy for Special Event Planning, City of Hamilton, Revised January 2002" and the regulations under the "Policy for Hess Village Special Events", the condition imposed under the "Policy for Hess Village Special Events" shall prevail.



Peter Crockett, P. Eng. General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

As directed by Council at the meeting of May 23, 2002 (Report 02-019), Transportation Operations and Environment staff were to review and reaffirm its position with respect to the policy for temporary road closures for Special Events in Hess Village.

SUBJECT: Policy Respecting Temporary Road Closures for Special Events in Hess Village (TOE02215) - (Ward 2) - Page 2 of 6

In trying to find a suitable compromise between the concerns of the applicants and the area residents, the previously approved policy has been revised to include a documented application, review and recommendation process. Additionally, to ensure that each event is undertaken and completed in a manner that is acceptable to City Council, City staff and the residents of Hamilton, the policy is more specific in identifying to the applicant all aspects of the event organizer's responsibilities.

BACKGROUND:

The temporary closure of Hess Street South from Main Street West to King Street West for special events such as the annual jazz festival has often been controversial. The conflicting issues are attracting more special events to the City, while trying to minimize or mitigate resulting disruption to the area residents and businesses.

As a result, City Council, at its meeting of May 9, 2000, approved a policy for special events involving the closure of Hess Street South from Main Street West to King Street West. Council approved a second report on May 23, 2002 revising the original policy, this report resulting in restricting the closure of Hess Street South for special events to three occasions per year.

This year there have been several inquiries about outdoor concerts and events for the street from various proponents. The need to revise the previously approved policy so that a documented application, review and recommendation process is clear has been identified. Additionally, to ensure the event is undertaken and completed in a manner that is acceptable to City Council, City staff and the residents of Hamilton, the policy must be more specific in identifying to the applicant exactly what is required when undertaking the event. Consequently, a proposed policy has been prepared to include the following:

- The applicant must submit as part of the application a detailed plan of the proposed closure (a plan with dimensions identifying the location of the stage, fencing, port-o-lets, tables, chairs etc.).
- The applicant will receive a receipt from the Special Events Supervisor confirming the application has met the City standards.
- Any individual organizer or associate will be restricted to applying for one event per year.
- The applicant will have to adhere to the up-to-date Special Event Permit and Noise By-law requirements.
- The applicant will have to reimburse the City for loss of parking meter and Carpark revenues.

All other items being equal (i.e. approved application, application submitted at the same time, no outstanding balance, etc.) special consideration will be given to the applicant(s) that:

- show a positive history of organizing and conducting a well run, minimum impact event in Hamilton;
- propose an event diverse from any other event proposed for Hess Village;
- do not rely on Services-In-Kind from the City for funding of their event, with the applicant being willing to pay for all required signing, clean up, noise review, revenue loss and policing components.

SUBJECT: Policy Respecting Temporary Road Closures for Special Events in Hess Village (TOE02215) - (Ward 2) - Page 3 of 6

In trying to find a suitable compromise between event and the area resident concerns, Council has asked that the previous policy be revised to include specifications for the application/approval process and that an evaluation process be implemented to determine the success of the event from a community perspective. This will then allow for a suitable compromise to accommodate the annual Jazz festival, which is usually staged by the Hess Village Performing Arts Association, while still providing the opportunity for proponents to bring new events to the area.

ANALYSIS OF ALTERNATIVES:

Retain existing policy – this option is not considered satisfactory, as history has shown that the existing policy has been deemed unsatisfactory to the residents and the event organizers.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The proposed policy has added rules to protect the City's financial interests.

POLICIES AFFECTING PROPOSAL:

Previous policy entitled "Policy Restricting Temporary Road Closures for Special Events in Hess Village".

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Area Councillor

CITY STRATEGIC COMMITMENT:

Special events help citizens celebrate and preserve the diversity of the City of Hamilton as well as promoting Hamilton as a desirable place to live and work.

Attachments

Policy for Hess Village Special Events:

IN ADDITION TO ALL CITY BYLAW REQUIREMENTS, GUIDELINES, POLICIES AND PROCEDURES AND IN ACCORDANCE WITH ANY SPECIFIC CITY DEPARTMENT OPERATING REQUIREMENTS THE FOLLOWING ADDITIONAL SITE SPECIFIC RESTRICTIONS WILL APPLY TO SPECIAL EVENTS IN HESS VILLAGE:

1. GENERAL:

- a) The "Hess Village" area is defined, for the purpose of this document, as the area bounded by Main, Queen, King and Caroline; and
- b) If staff identify a problem with adherence/compliance with any by-law/requirement, staff, in consultation with the area Councillor, will report back to City Council with any recommendations required to improve the restrictions and/or resolve any issues which may arise; and
- c) Following each season's events, staff, will report back to City Council with recommendations as required to improve the policy and/or resolve or respond to issues which may have arisen; and
- d) An applicant (including family member) will be restricted to organizing one event per year; and
- e) Applicants that have not paid the City in full for previous events or that have an outstanding balance will not be considered; and
- f) All other items being equal (i.e. approved application, application submitted at the same time, no outstanding balance, etc.) special consideration will be given to the applicant that:
 1. Has a positive history of organizing and conducting special events in Hamilton.
 2. Has proposed an event that is diverse in nature from the other events proposed for Hess Village.
 3. Does not rely on Services-In-Kind from the City for funding their event. The applicant is willing to pay for the required signing, barricading and policing components.

2. APPLICATION PROCESS:

- a) The application for Hess Village Special Events must be mailed, delivered in person or faxed to the Special Events office by 5:00 p.m. on the last Thursday in January of each year; and
- b) All applications received prior to 5:00 p.m. on the last Thursday in January of each year, will be deemed received at the same time; and
- c) Following 5:00 p.m. on the last Thursday in January of each year, applications will only be considered if all event opportunities have not been awarded. These applications will be considered on a first-come, first served basis; and

SUBJECT: Policy Respecting Temporary Road Closures for Special Events in Hess Village (TOE02215) - (Ward 2) - Page 5 of 6

- d) Following 5:00 p.m. on the last Thursday of January, each year applications received on the same date will be deemed received at the same time; and
- e) If the submitted application is complete it will be date and time stamped. If the application is not completed properly, Special Events staff will notify the event organizer within 7 calendar days, that the application does not meet the City of Hamilton specifications and that it has not been accepted. The application will not be considered complete without a detailed plan of the proposed closure and event area; and
- f) If the submitted application meets the City's specifications a receipt will be sent via mail to the applicant stating that the application has been accepted. With the receipt the applicant will be notified of the time and date scheduled for them to appear before the Special Event Advisory Team to discuss the event; and
- g) The Special Advisory Team will be the body that recommends the application that meets all the policies for Hess Village to Council.

3. NOISE:

Events must comply with the City's Noise Control By-law 79-292 and any other conditions outlined in the special event permit. Where there is a conflict between a condition imposed under the Special Event Permit and the regulations of the City's Noise Control By-law, the condition imposed under the Special Event Permit shall prevail.

- a) Amplified sound, including set up, testing and performance will not begin until 11:00 a.m. and will cease at 11:00 p.m. on all days of the week, except Sundays, where the amplified sound will not begin prior to 12:00 noon and will cease at 10:00 p.m.; and
- b) Applications may seek an exemption to the City's Noise Bylaw 79-292 to allow amplified noise to continue until 12:00 midnight but only for Friday and Saturday nights for the approved weekends in June, July and August; and
- c) Sound equipment, stage and amplification location, including direction of staging equipment, are to be approved prior to set up by the City's Manager of Standards and Licensing, or his/her designate; and
- d) A Municipal Law Enforcement Officer will monitor the activity, at the expense of the Special Event Permit holder, if deemed appropriate by the Manager of Licensing and Standards, or his/her designate.

4. ROADS AND PARKING:

- a) The applicant will reimburse the City for loss of parking meter and Carpark Lot #74 lot revenues, as determined by the Supervisor of Parking and Enforcement Operations; and
- b) The applicant will reimburse the City for the costs associated with the installation and removal or bagging of parking meters and the clean-up of

SUBJECT: Policy Respecting Temporary Road Closures for Special Events in Hess Village (TOE02215) - (Ward 2) - Page 6 of 6

Carpark Lot #74, as determined by the Supervisor of Parking and Enforcement Operations; and

- c) That all other conditions relating to Special Events, within the City of Hamilton shall apply to Hess Village; including, but not limited to:
 - \$450.00 applicant fee,
 - Council approval for the road closure.

Where there is a conflict between a condition imposed under the "Policy for Special Event Planning, City of Hamilton, Revised January 2002" and the regulations under the Policy for Hess Village Special Events, the condition imposed under the Policy for Hess Village Special Events shall prevail.

- d) Except in the case of deliveries, emergencies or other special situations, the parking of vehicles within the "closed" area will be prohibited; and
- e) All sidewalks must remain unobstructed at all times; and
- f) All clean up, staffing and security including attendance by Hamilton-Wentworth Regional Police as determined by the Chief of Police or designate, will be at the expense of the applicant.

CITY OF HAMILTON

14.5

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to: Mayor and Members Committee of the Whole	Submitted by: Peter M. Crockett, P.Eng. General Manager
Date: November 19, 2002	Prepared by: Rob Galloway Extension 4585

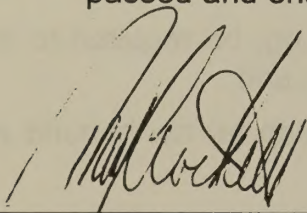
SUBJECT: Stop Controls - Fifty Road Joint Venture (TOE02216) - (Ward 11)**RECOMMENDATION:**

That the following stop controls be implemented and funded through development charges received:

- (a) That eastbound traffic on Falcon Road be required to stop for northbound and southbound traffic on Fifty Road; and
- (b) That westbound traffic on McCollum Road be required to stop for northbound and southbound traffic on Fifty Road; and
- (c) That northbound traffic on Islandview Way be required to stop for eastbound and westbound traffic on McCollum Road; and
- (d) That westbound traffic on Bridgenorth Crescent (North Leg) be required to stop for northbound and southbound traffic on Islandview Way; and
- (e) That eastbound traffic on Watercliff Place be required to stop for northbound and southbound traffic on Islandview Way; and
- (f) That westbound traffic on Bridgenorth Crescent (South Leg) be required to stop for northbound and southbound traffic on Islandview Way; and
- (g) That eastbound traffic on Delrosa Way be required to stop for northbound and southbound traffic on Islandview Way; and
- (h) That westbound traffic on Glenmeadow Crescent (North Leg) be required to stop for northbound and southbound traffic on Islandview Way; and
- (i) That eastbound traffic on Gracehill Drive be required to stop for northbound and southbound traffic on Islandview Way; and
- (j) That westbound traffic on Glenmeadow Crescent (South Leg) be required to stop for northbound and southbound traffic on Islandview Way; and
- (k) That eastbound traffic on Cardigan Place be required to stop for northbound and southbound traffic on Islandview Way; and

SUBJECT: Stop Controls - Fifty Road Joint Venture (TOE02216) - (Ward 11)
- Page 2 of 3

- (l) That northbound traffic on Dewsbury Way be required to stop for eastbound and westbound traffic on Glenmeadow Crescent; and
- (m) That northbound traffic on Goldeye Drive be required to stop for eastbound and westbound traffic on Glenmeadow Crescent; and
- (n) That southbound traffic on Dewsbury Way be required to stop for eastbound and westbound traffic on Northampton Boulevard; and
- (o) That eastbound and westbound traffic on Northampton Boulevard be required to stop for northbound and southbound traffic on Easthampton Road/Goldeye Drive; and
- (p) That southbound traffic on Islandview Way be required to stop for eastbound and westbound traffic on Northampton Boulevard; and
- (q) That northbound traffic on Westhampton Way be required to stop for eastbound and westbound traffic on Northampton Boulevard/Kingspoint Circle; and
- (r) That southbound traffic on Kingspoint Circle be required to stop for eastbound and westbound traffic on Northampton Boulevard/Kingspoint Circle; and
- (s) That eastbound traffic on Panorama Way be required to stop for northbound and southbound traffic on Westhampton Way; and
- (t) That westbound traffic on Panorama Way be required to stop for northbound and southbound traffic on Fifty Road; and
- (u) That southbound traffic on Westhampton Way be required to stop for eastbound and westbound traffic on Springstead Avenue; and
- (v) That southbound traffic on Easthampton Road be required to stop for eastbound and westbound traffic on Springstead Avenue; and
- (w) That southbound traffic on Avery Circle be required to stop for eastbound and westbound traffic on McCollum Road; and
- (x) That the attached by-law to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.



Peter M. Crockett, P.Eng., General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

A new subdivision is being constructed and it is appropriate to designate right-of-way control for pedestrians and motorists at intersections. Installation is funded with capital raised through development levies.

Phase One of Fifty Point Joint Venture is located east of Fifty Road and west of Fifty Point Conservation Area between the QEW and Lake Ontario. There are 149 single unit homes and 74 Townhouse units to be erected in this subdivision.

Nine 'T' type intersections are being designated for stop control on the stem of the 'T's. The remaining stop controls are proposed at four-legged intersections to ensure that side street traffic stops at the internal collector roadways in the subdivision. The implementation of these stop controls will promote safe and efficient traffic movements in the subdivision.

In addition to the proposed stop controls for the new subdivision, it was noted that a by-law entry is required for the existing stop control at the intersection of Falcon Road/McCollum Road and Fifty Road.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 11

The Traffic Engineering office received a plan for a new subdivision from the Planning and Development Department. It is appropriate to install stop control at intersections to define the right-of-way rules for motorists and pedestrians. It is therefore recommended that these stop controls be implemented in the Fifty Road Joint Venture subdivision.

ANALYSIS OF ALTERNATIVES:

One alternative to implementing stop control at these intersections would be to take no action. The Ontario Highway Traffic Act stipulates that all traffic approaching an uncontrolled intersection must yield the right-of-way to traffic approaching from the right. However, in the interest of public safety, proactive implementation of stop controls are recommended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in the regular current accounts to cover the costs of manufacturing, erecting and maintaining the required signs. Funding is added to the sign installation accounts from development charges specifically for such items.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The installation of stop control is a standard traffic operations procedure, and does not require consultation with other departments or agencies.

CITY STRATEGIC COMMITMENT:

The implementation of stop control at these intersections will clearly define the right-of-way, thus reducing the potential for collisions and providing a safer community environment.

Bill No.

CITY OF HAMILTON

BY-LAW NO. 02-

**To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "F" thereof the following items, namely:

"Avery Circle	South	McCollum Road
Bridgenorth Crescent	West	Islandview Way (north intersection)
Bridgenorth Crescent	West	Islandview Way (south intersection)
Cardigan Place	East	Islandview Way

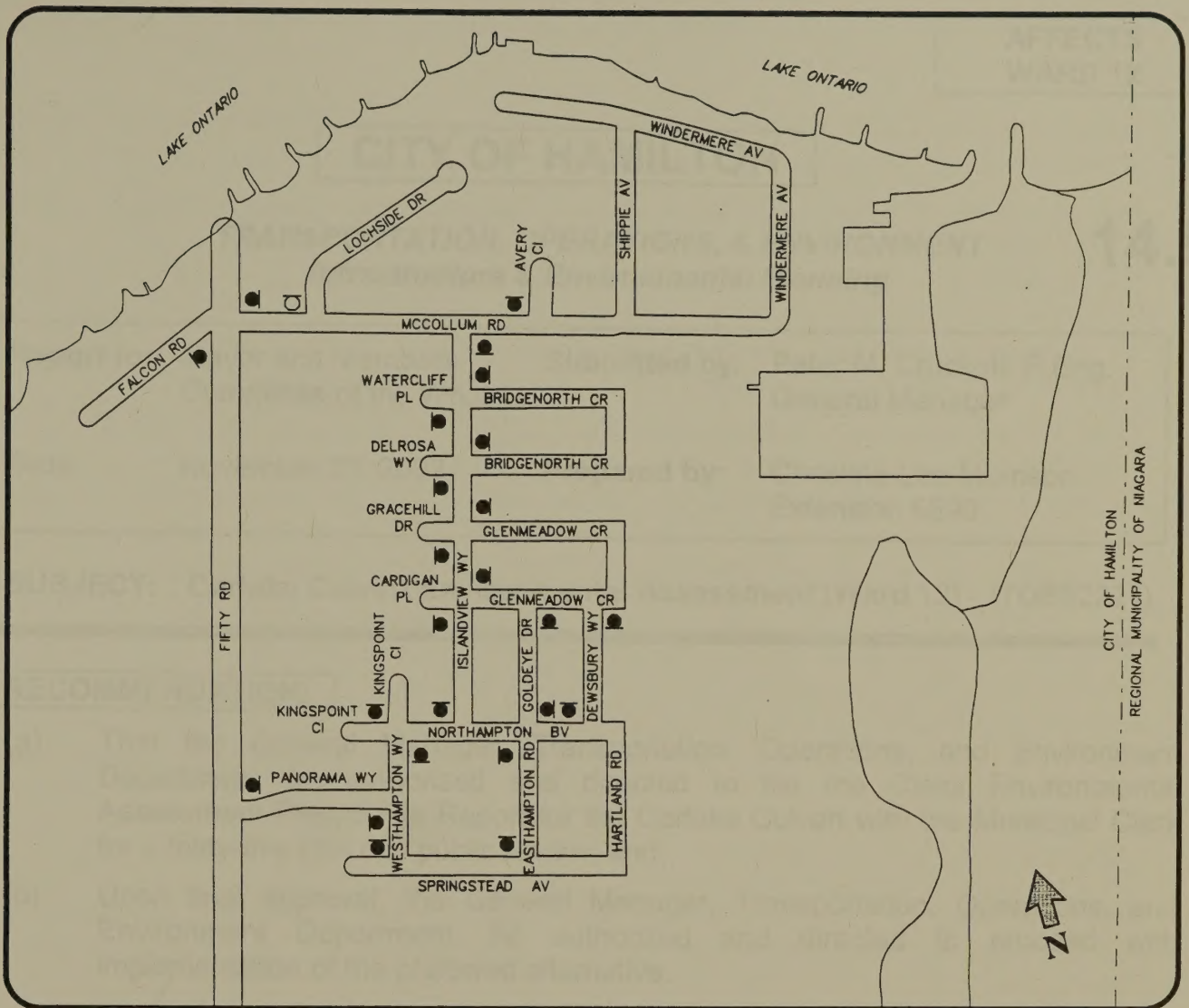
Delrosa Way	East	Islandview Way
Dewsbury Way	North	Glenmeadow Crescent
Dewsbury Way	South	Northhampton Boulevard
Easthampton Road	South	Springstead Avenue
Falcon Road	East	Fifty Road
Glenmeadow Crescent	West	Islandview Way (north intersection)
Glenmeadow Crescent	West	Islandview Way (south intersection)
Goldeye Drive	North	Glenmeadow Crescent
Gracehill Drive	East	Islandview Way
Islandview Way	North	McCollum Road
Islandview Way	South	Northhampton Boulevard
Kingspoint Circle	South	Northhampton Boulevard/ Kingspoint Circle
McCollum Road	West	Fifty Road
Northhampton Boulevard	East & West	Easthampton Road/ Goldeye Drive
Panorama Way	East	Westhampton Way
Panorama Way	West	Fifty Road
Watercliffe Place	East	Islandview Way
Westhampton Way	North	Northhampton Boulevard/ Kingspoint Circle
Westhampton Way	South	Springstead Avenue"

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this _____ day of _____, 2002

MAYOR

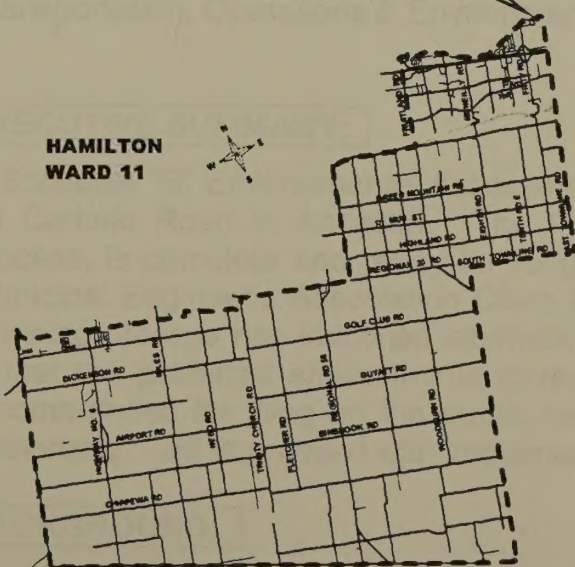
CLERK



KEY MAP

FIFTY ROAD
JOINT VENTURE

HAMILTON
WARD 11



LOCATION PLAN

STOP CONTROLS:
FIFTY ROAD
JOINT VENTURE
SUBDIVISION
CITY OF HAMILTON
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

RECOMMENDED

- TRAFFIC SIGNAL
- STOP SIGN
- ▼ YIELD SIGN

EXISTING

- TRAFFIC SIGNAL
- STOP SIGN
- ▽ YIELD SIGN

SCALE
NOT TO SCALE

DATE
2002-11-19

REFERENCE FILE NO: **TOE02216**

CITY OF HAMILTON

TRANSPORTATION, OPERATIONS, & ENVIRONMENT
Infrastructure & Environmental Planning

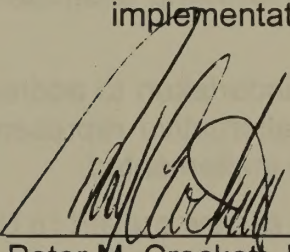
14.6

Report to: Mayor and Members Committee of the Whole	Submitted by: Peter M. Crockett, P.Eng. General Manager
Date: November 27, 2002	Prepared by: Christine Lee-Morrison Extension 6390

SUBJECT: Carluke Culvert Environmental Assessment (Ward 12) - (TOE02221)

RECOMMENDATION:

- (a) That the General Manager, Transportation, Operations, and Environment Department, be authorized and directed to file the Class Environmental Assessment Project File Report for the Carluke Culvert with the Municipal Clerk for a thirty-five (35) day public review; and,
- (b) Upon final approval, the General Manager, Transportation, Operations, and Environment Department, be authorized and directed to proceed with implementation of the preferred alternative.



Peter M. Crockett, P.Eng., General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

A Schedule "B" Environmental Assessment has recently been completed for the culvert on Carluke Road in Ancaster. The Project File Report, documenting the planning process, is complete and ready for filing on the public record, in accordance with the Municipal Engineer's Association Class Environmental Assessment (June 2000). The planning process has identified alternative solutions to the problem and the conclusion is that the preferred alternative is to replace the culvert. The Project File Report is recommended for filing on the public record and, subject to any comments received, authorizing staff to proceed with implementing the preferred alternative.

BACKGROUND:

An engineering structural review of all culverts and bridges was completed for the City earlier this year. The review identified structural deficiencies with the Carluke Culvert and loadrestrictions were posted on Carluke Road, at the culvert, earlier this fall. The

culvert crosses Carluke Road between Fiddlers Green Road and Shaver Road, as shown on the attached Appendix "A".

Addressing the structural deficiencies and water crossing requires the City to complete a Schedule "B" Class Environmental Assessment. The EA process began in the early fall and has recently been completed. As part of the EA process, a Public Information Centre was held on November 5, 2002 and area residents were invited. Approximately six individuals attended the Information Centre and were supportive of the City addressing the structural problem so that the load restriction may be lifted.

The City is required to file the Project File Report on the public record for a minimum thirty (30) day review period. In light of the City's closure during Christmas, it is recommended that the Report be filed for thirty-five (35) days for public review. Subject to any comments received, the City would be in a position to proceed with design and construction of the preferred alternative after the review period concludes.

The Environmental Assessment process has identified that the water channel has potential for warm water fish habitat during high spring flows. The Project File Report includes mitigation measures, in consultation with the Conservation Authority, that construction must occur prior to April 1st or after June 30th. Thus, the filing of the Project File Report immediately will help expedite the design and construction process for the preferred alternative.

ANALYSIS OF ALTERNATIVES:

The Environmental Assessment Process requires the City to consider reasonable and feasible alternatives to address the problem. For this culvert, the following alternatives were considered:

- Do nothing, in which no improvements or changes would be undertaken to address present and long-term culvert problems. The "Do Nothing" alternative represents what would likely occur if none of the alternative solutions were implemented.
- Replacement of culvert - replace the deteriorated culvert with a new culvert in the same place with the same hydraulic capacity.
- Undertake structural repairs to rehabilitate the existing culvert.

Based on the analysis of alternatives and the natural, social, and economic environment, the preferred alternative is to replace the culvert. This is the only option that adequately addresses the problem with the culvert. This option provides for the shortest duration of temporary road closure (truck route) and associated detour, the greatest cost benefit and is the easiest to construct.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds for implementation of the preferred alternative are within the 2002 Capital Budget for TOE.

POLICIES AFFECTING PROPOSAL:

The Project File Report does not require changes to any existing City policies.

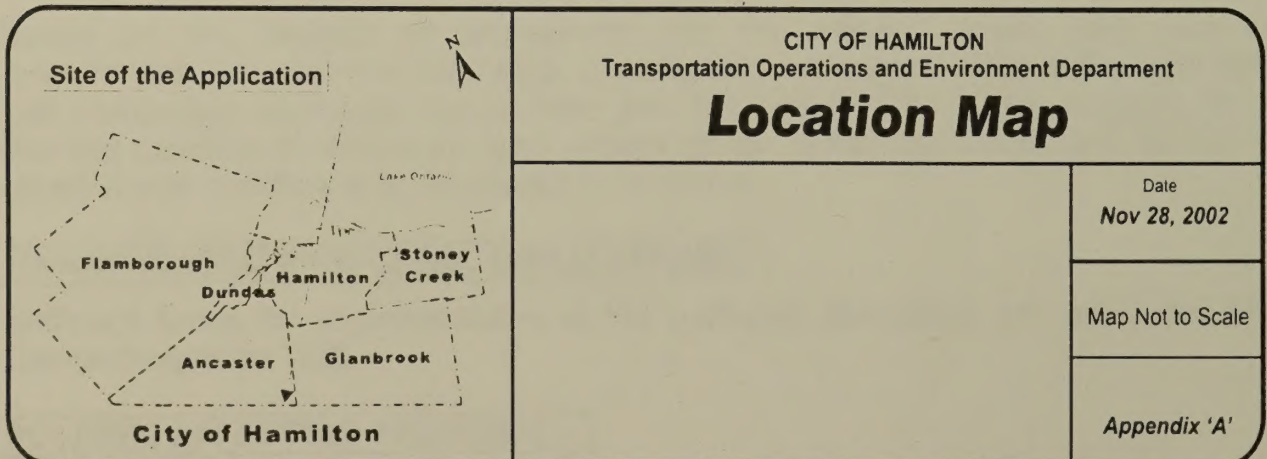
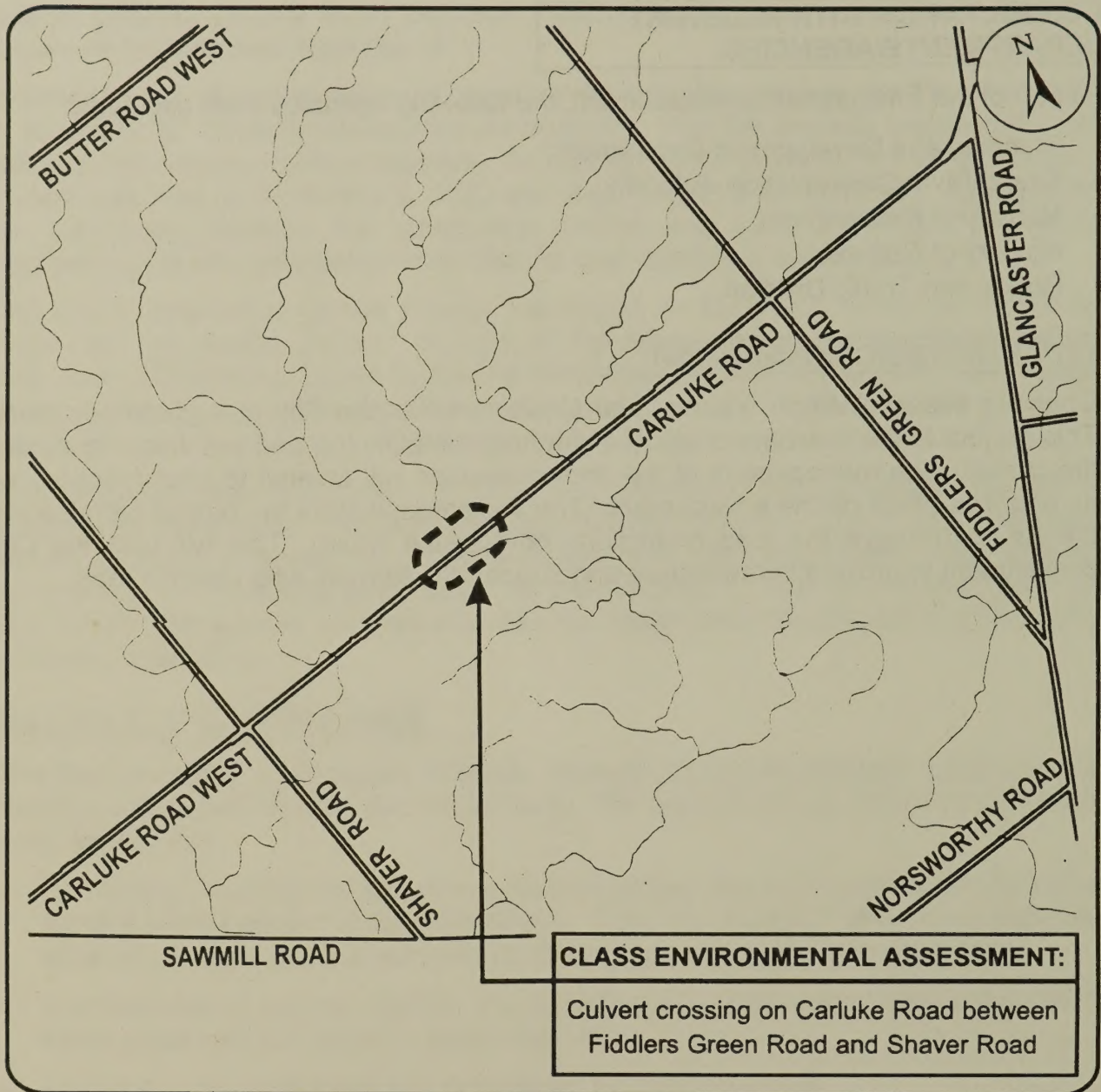
**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

As part of the Environmental Assessment, the following agencies were circulated:

- Planning and Development Department;
- Grand River Conservation Authority;
- Ministry of Environment;
- Ministry of Culture;
- Roads and Traffic Division.

CITY STRATEGIC COMMITMENT:

Council's Mission, Vision, Values, and Goals commits the City to a green community. This project is the outcome of good environmental planning and practice. In addition, the construction management of the implementation will commit to best practices with no negative effect on the environment. The implementation of the project will also allow the City to remove the load restrictions on Carluke Road. This will fulfil the City's commitment to provide infrastructure and support the farmers who use this road.



CONCLUSION

CITY OF HAMILTON

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Infrastructure & Environmental Planning

15.1

and

PLANNING & DEVELOPMENT
Development

and

FINANCE & CORPORATE SERVICES
Budget & Fiscal Policy Services

Report to: Mayor and Members
Committee of the Whole

Submitted by: Peter M. Crockett, P.Eng.
General Manager

Lee Ann Coveyduck
General Manager

Joseph L. Rinaldo
General Manager

Date: November 18, 2002

Prepared by: Gavin Norman, P. Eng.
Extension 2433

Sally Yong-Lee
Extension 2274

Joseph Spiler
Extension 4519

SUBJECT: Municipal Act Project - Watermain on Regional Road 56 and
Binbrook Road in Binbrook Village
(TOE02210/PD02233/FCS02138) - (Ward 11)

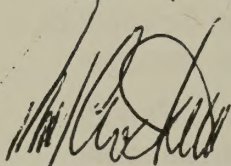
RECOMMENDATION:

- (a) That pursuant to Section 221 of the Municipal Act, a full cost recovery mechanism be implemented in order to recover the total cost \$425,007 owner's share, from benefitting property owners, respecting the capital cost of the construction of water works consisting of:
- (i) a watermain on Regional Road 56 from Cemetery Road to Binbrook Road; and
 - (ii) a watermain on Binbrook Road from Regional Road 56 to Southbrook Drive,
- if and when the benefitting property owners connect to the water works;
- (b) That the capital costs be recovered by the City, for the water works identified in

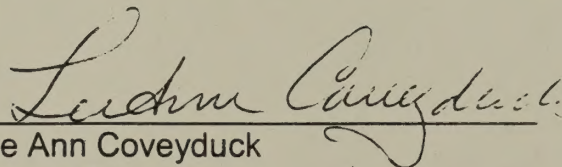
**SUBJECT: Municipal Act Project - Watermain on Regional Road 56 and
Binbrook Road in Binbrook Village
(TOE02210/PD02233/FCS02138) - (Ward 11) - Page 2 of 8**

recommendation (a) above, per Option 2 of Report TOE02210 / PD02233 / FCS02138 - "Recover Capital Costs as Combined Watermain Project";

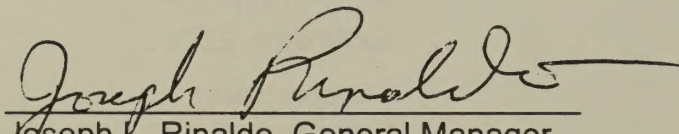
- (c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the necessary full cost recovery by-laws;
- d) That the cost of existing service connections to properties on Binbrook Road, installed at the time of watermain construction, be blended to a common connection cost; but that the actual cost for existing non-residential service connections be billed to respective property owners;
- (e) That the capital costs recovered by the City, for the water works identified in recommendation (a) above, be remitted to Bay-Area Infrastructure Inc. and Rob-Geof Construction Ltd. in accordance with the appropriate legal agreements; and
- (f) That the cost recovery for the City's share of the project (\$31,869), including the exemption of the church property (\$7,365), be funded from the Waterworks Capital Reserve (108015).



Peter M. Crockett, P.Eng.
General Manager
Transportation, Operations & Environment



Lee Ann Coveyduck
General Manager
Planning and Development Department



Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

The purpose of this report is to authorize the preparation of full cost recovery by-laws under the Municipal Act for costs associated with the installation of two watermains; on Regional Road 56 and Binbrook Road (Ward 11) - (see Location Plan), as per approved Report TOE02005 (Funding Methodologies for Municipal Infrastructure Extensions) and to satisfy the terms and conditions of previously executed agreements between the former Region of Hamilton-Wentworth and Bay-Area Infrastructure Incorporated and Rob-Geof Construction Ltd.

The recommended philosophy blends the costs for the two projects so that the benefitting property owners are assessed based on the same linear metre cost.

BACKGROUND:

As part of the planned development for Binbrook Village and in accordance with the former Region of Hamilton-Wentworth Official Plan (2000), the installation of watermains on Regional Road 56 and Binbrook Road were undertaken as two private

sector development projects to provide water service to the village.

A. Bay-Area Infrastructure Inc.

In September 2000, the former Region of Hamilton-Wentworth entered into an agreement with Bay-Area Infrastructure Inc. to construct water and sanitary sewer services to Binbrook. Referred to hereafter as the "Binbrook Services", specific works included:

- a transmission watermain on R.R.56 from Hwy.20/Rymal Road to a booster station at the north village limits
- a distribution watermain on R.R.56 from the booster station south to Binbrook Road and then west to an elevated water tower on the north side of Binbrook Road
- a sewage/leachate pumping station with gravity and forcemain sanitary sewers extending from the Glanbrook Landfill to an existing sanitary sewer near the Glover Road / Twenty Road intersection

Bay-Area completed the transmission watermain, booster station, sewage/leachate sanitary sewer and the first phase of the distribution watermain system in 2001. The gravity portion of the sewage/leachate sanitary sewer project near Glover Road is subject to a separate Municipal Act cost recovery process.

The completion of these works has enabled a residential development referred to as Southbrook on the Green located in the southeast quadrant of the village to proceed. Construction of Phase 2 of the distribution watermain, which extends west along Binbrook Road from Regional Road 56 to the future elevated water tower, is expected to take place in 2003.

B. Rob-Geof Construction Ltd.

As a result of the completion of the Bay-Area works, Rob-Geof was able to proceed with the Plan of Subdivision referred to as "Southbrook on the Green" located east of Regional Road 56 and south of Binbrook Road.

As a condition of the Subdivision Agreement, in 2001 the developer extended the distribution watermain from the intersection of Regional Road 56 and Binbrook Road easterly 281m to the subdivision.

With both distribution watermains complete, existing development within the village limits are now able to connect to the system, subject to requirements of Section 221 of the Municipal Act and approved City policy regarding cost recovery.

ANALYSIS OF ALTERNATIVES:

As noted, the watermain installations on Regional Road 56 and Binbrook Road were undertaken as two separate private sector development projects to provide water service to Binbrook Village.

The total capital cost of the Regional Road 56 and Binbrook Road watermain projects was \$669,218 including GST. Table 1 below illustrates the cost breakdown for both the developer's share and the owner's share of each project including service connections. Costs are broken down further in Appendix A.

Table 1 - Cost Breakdown

Project	Developer's Share	Property Owners' Share	Total Project Cost
Regional Road 56	\$183,590	\$226,340	\$409,930
Binbrook Road	\$ 60,621	\$198,667	\$259,288
Totals	\$244,211	\$ 425,007	\$669,218

The cost for the Binbrook Road watermain installed by Rob-Geof was significantly more expensive on a linear metre basis than the distribution watermain installed by Bay-Area (approximately \$589/m vs. \$217/m).

As a result of the significant cost differences, two costing options were reviewed.

COST RECOVERY OPTIONS

Option 1 - Recover Capital Costs as Separate Watermain Projects

If the capital costs are recovered as separate projects, assessed costs for the 32 residential property owners on Regional 56 will be less than half that for the 16 owners on Binbrook Road; \$3,278 versus \$7,125. These costs do not include the connection from the watermain to the property line.

Option 2 - Recover Capital Costs as Combined Watermain Project (Costs are blended)

If the capital costs are recovered as a combined project; i.e. with costs blended across all benefitting property owners, the result is the same cost (\$4,168 not including service connections) for all 48 benefitting residential property owners. The blending of costs is also applied to non-residential properties, but because they are assessed by land area, the costs will vary based on lot size.

It is recommended that **Option - 2 Recover Costs as Combined Watermain Project** be implemented in order to evenly distribute costs for the watermain. Similarly, for service connections, it is also recommended that the cost to residential properties on Binbrook Road be blended, but that the actual cost for non-residential service connections be billed to respective property owners as the cost is directly attributable to the size of the connection requested by said property owner.

The following table illustrates the cost difference between projects if cost recovery was implemented as separate projects versus one combined project.

Table 2 - Cost Recovery as a One Combined Project

Item		Regional Road 56	Binbrook Road	Blended
1	Length (m)	1,044	281	1,325
2	Net Cost to Abutting Property Owners*	\$226,340	\$165,635	\$391,975
3	Cost per Metre*	\$217	\$589	\$296
4	Res/Non-Res Split	46/54	75/25	51/49
5	Total Resident's Share*	\$104,901	\$113,993	\$200,086
6	Number of Residences	32	16	48
7	Individual Resident's Cost per Lot*	\$3,278	\$7,125	\$4,168
8	Total Non-residential Share* (includes City owned properties)	\$121,438	\$51,642	\$191,889

*** Service connections not included**

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The two watermain projects were financed by Bay-Infrastructure Inc. and Rob-Geof Construction Ltd., respectively. As per agreements between the former Region and both developers, the City of Hamilton shall recover costs for the projects along Highway 56 and Binbrook Road from property owners who choose to connect to the system.

The combined project costs allocated to abutting property owners to be recovered by the City of Hamilton is \$425,007 (\$226,340 for Regional Road 56 and \$198,667 for Binbrook Road), including existing service connections.

Any future service connection would have to be installed by the owner's private contractor at a cost payable directly to that contractor and subject to the normal permit/approval requirements.

Owners of existing residential or commercial properties will only be required to pay their apportioned share of the cost when they connect to the service including any service connections installed at the time of watermain construction. Assessed costs for properties designated for future development would be payable as a condition of any future Development Agreement for the property.

IMPLICATIONS RELATED TO COST RECOVERY AND EXISTING AGREEMENTS WITH BAY-AREA INFRASTRUCTURE INC. AND ROB-GEOF CONSTRUCTION LTD.

A. Bay-Area - Per the City's agreement with Bay-Area Infrastructure Inc., the City is to repay Bay-Area for the construction and installation of the Binbrook Services. Repayment by the City for the Binbrook Services consists of a portion of the Binbrook Special Area Charge (set at \$9,285 per new single detached residential unit) and any other direct contributions from developers and landowners utilizing the watermain.

The gross costs recovered from the benefitting abutting property owners on Regional Road 56 (\$308,786), to a maximum of \$226,340 (net cost allocated to abutting owners), shall be applied towards the minimum annual payment to Bay-Area. The resulting over-contribution (\$82,446) will be applied to the Binbrook Road portion of the works.

B. Rob-Geof Construction Ltd. - In accordance with the Subdivision Agreement, the City is to cost recover the "benefitting owner's share" of the watermain installation along Binbrook Road (i.e. \$198,667) from abutting property owners. As noted above, based on the recommended cost recovery option, the City will recover a maximum of \$116,221 from abutting property owners. The City intends to make up the shortfall by applying the over contribution resulting from connections made on Regional Road 56 (\$82,446).

CITY SHARE OF PROJECT

A. City Owned Properties - The City of Hamilton owns five properties that abut Regional Road 56. The assessed cost (not including service connections) for these properties are shown in the following table. Total assessed cost is \$31,869.

Table 3 - Assessed Costs of City owned Properties

Property	Assessed Cost (not including service connection)
Binbrook Fire Station No. 18	\$7,303
Binbrook Memorial Hall	\$883
Binbrook Ball Field	\$3,733
Binbrook Library	\$18,360
City owned property - vacant (NE corner 56 & Binbrook)	\$1,591
Total	\$31,869

B. Church Exemption – No. 2623 Binbrook Road is a church owned by Binbrook United Church. At its meeting on July 10, 2002, Council passed the following resolution pertaining to the Funding Methodology for Municipal Infrastructure Extensions (TOE02005(a)/FCS02026(a):

(Item 15.4(b)) That churches be exempt from cost recovery and that the funding shortfall be recovered from another source.

This change in policy affects the cost recovery for this project in that the church's assessed cost become a net cost to the City if the church chooses to connect to the service. The assessed cost for the church property is \$7,365, not including the service connection cost.

It is recommended that the funding shortfall for the church be funded from the Waterworks Capital Reserve (108015).

In summary, affected property owners will be notified by the Department of Finance and Corporate Services of the works and the actual costs attributed to each owner and information regarding the process to be followed for connection to, and payment for, the works.

POLICIES AFFECTING PROPOSAL:

- Proposed cost recovery - Funding Methodology for Municipal Infrastructure Extensions (TOE02005).

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

The following were consulted in the preparation of this report:

- Budget and Fiscal Policy Services - Finance and Corporate Services
- Legal Services - Finance and Corporate Services
- Development Engineering - Planning and Development

CITY STRATEGIC COMMITMENT:

This project supports the goals of A Healthy, Safe and Green City through the provision of an efficient and suitable method of conveying water to existing development.

Developer's Share: _____
Property Owner's Share: _____

Property Owner's Share:

- Residential/Non Residential properties
- City
 - City owned properties
 - Church Exemption

- City -City owned property

Subtotal

SANITARY	STORM	WATER
		\$244,211
		\$352,741
		\$31,869
		\$7,365
		\$636,186

Property Owners: 8 existing connections

8 existing connections
on Binbrook Road

Total

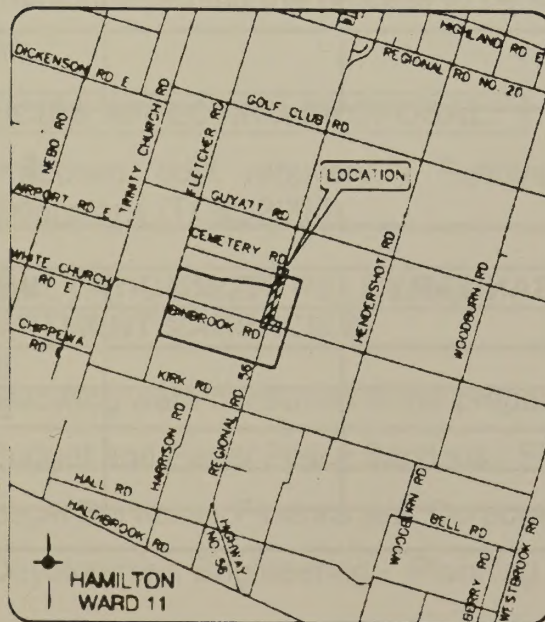
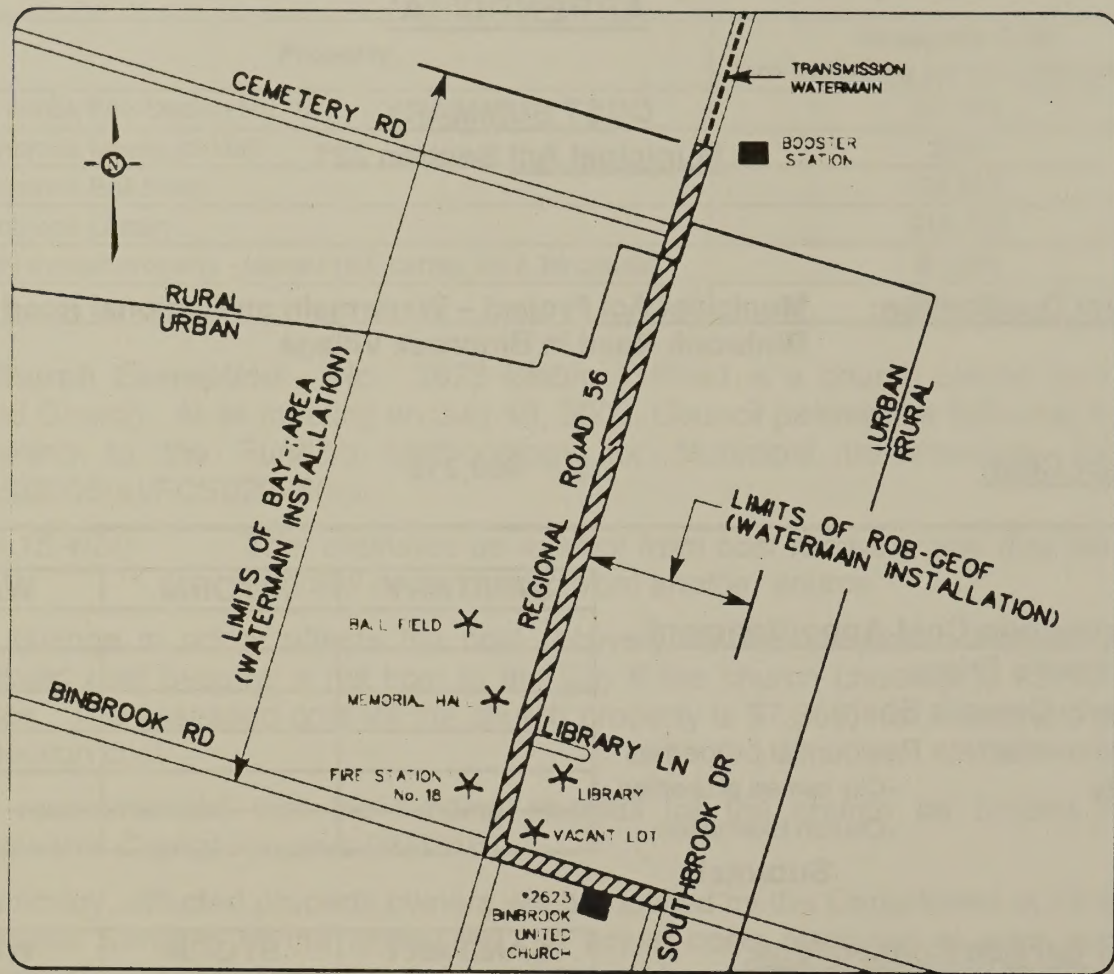
SANITARY	STORM	WATER
		\$33,032
		<u>\$33,032</u>
		\$ 669,218

a) Existing Development

b) Future Growth

SANITARY	STORM	WATER
		80%
		20%

**SUBJECT: Municipal Act Project - Watermain on Regional Road 56 and
Binbrook Road in Binbrook Village
(TOE02210/PD02233/FCS02138) - (Ward 11) - Page 8 of 8**



Location Plan

**Municipal Act Project
Watermain on Regional Road 56 and
Binbrook Road in Binbrook Village**

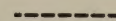
CITY OF HAMILTON

TRANSPORTATION, OPERATIONS AND ENVIRONMENT

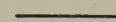
Legend



LOCATION OF PROJECT
(WATERMAIN)



REGIONAL ROAD 56
TRANSMISSION WATERMAIN



URBAN/RURAL BOUNDARY



CITY OWNED PROPERTIES

Scale
NOT TO SCALE

Date:
SEPTEMBER 2002

CITY OF HAMILTON

15.2

PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

FINANCE AND CORPORATE SERVICES DEPARTMENT
Capital Budgets and Fiscal Policy Division

Report to:	Mayor and Members Committee of the Whole	Submitted by:	Lee Ann Coveyduck General Manager
			Joseph L. Rinaldo General Manager
Date:	November 28, 2002	Prepared by:	Peter C. Lampman (905) 546-4653
			Tony Del Monaco (905) 546-2790

SUBJECT: Development Charges and Building Permit Fees for the Hamilton Regional Cancer Centre and St. Joseph's Healthcare – Follow Up Report to Outstanding Business Item FF as at December 3/02 - (PD02186(a)/FCS02100(a)) (Wards 2 & 7)

RECOMMENDATION:

- (a) That Section 3(a) of Building By-law No. 01-063 be amended to incorporate a variable permit fee for large Institutional projects as follows:

3(a) Group B (Institutional Occupancies)

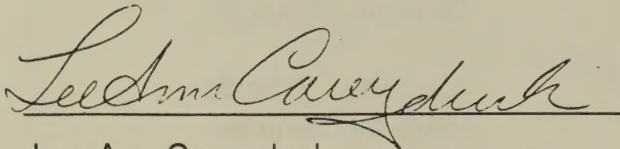
Institutional, Hospitals, Medical Care Facilities, Nursing Homes, and other Group B Buildings

	Service Index \$/m²
0 to 10,000 m ²	\$12.96
10,000 m ² to 20,000 m ²	9.72
20,000 m ² and over	6.48

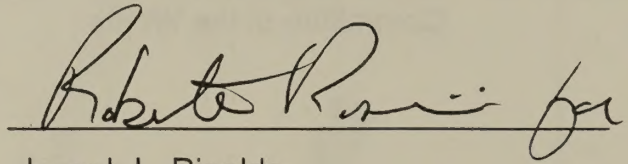
Note: This has the effect of reducing the Building Permit Fee for St. Joseph's by \$143,078.40 which is a reduction of 30% but does not reduce the permit fee for the Hamilton Regional Cancer Centre because of its small size.

SUBJECT: Development Charges and Building Permit Fees for the Hamilton Regional Cancer Centre and St. Joseph's Healthcare – Follow Up Report to Outstanding Business Item FF as at December 3/02 - (PD02186(a)/FCS02100(a)) (Wards 2 & 7) Page 2 of 12

- (b) That the City allow St. Joseph's Healthcare and the Hamilton Regional Cancer Centre (HRCC) to pay their respective building permit fees over 3 years in annual installments, interest free.
- (c) That the City allow St. Joseph's Healthcare and the Hamilton Regional Cancer Centre to enter into a 10 year, interest free, development charge deferral agreement whereby they can make 10 equal installment payments for their respective development charges.



Lee Ann Coveyduck
General Manager
Planning and Development Department



Joseph L. Rinaldo
General Manager
Finance & Corporate Services Department

EXECUTIVE SUMMARY:

This report is a follow-up to Joint Report PD02186/FCS02100. This report deals with Council's request for additional information (geographic hospital patient profiles and development charge treatment of colleges and universities). Corresponding funding and reserve implications for the City are provided for the range of Development Charge options.

Options:

Building Permit Fees

OPTION 1: No exemption plus 3 annual installment payments, no interest. This is consistent with the policy for other large scale projects.

OPTION 2: Variable scale fee (\$175,478 cost to the City).

OPTION 3: Variable scale fee (\$143,078 cost to the City) – Staff is recommending a combination of Option 1 and 3 which is a variable scale fee plus the 3 year interest fee payment.

Development Charges

OPTION 1: No exemption – 10 annual installment payments, no interest (\$223,787 cost to the City – RECOMMENDED OPTION).

OPTION 2: 30% exemption (\$429,012 cost to the City).

OPTION 3: 33.8% exemption for HRCC and 48.4% exemption for St. Joseph's (\$667,403 cost to the City).

SUBJECT: Development Charges and Building Permit Fees for the Hamilton Regional Cancer Centre and St. Joseph's Healthcare – Follow Up Report to Outstanding Business Item FF as at December 3/02 - (PD02186(a)/FCS02100(a)) (Wards 2 & 7) Page 3 of 12

OPTION 4: 50% exemption (\$715,020 cost to the City).

OPTION 5: Total exemption (\$1,430,000 cost to the City).

BACKGROUND:

The Hamilton Regional Cancer Centre (HRCC) has requested that building permit fees of \$107,355 and development charges (net of redevelopment credits) of \$169,424 be waived.

Also, St. Joseph's Healthcare (St. Joseph's) has requested that building permit fees of \$480,556.80 and development charges (net of redevelopment credits) of \$1,260,615 be waived.

A) BUILDING PERMIT FEES

Council had requested the annual amount of building permits issued in Hamilton for government/institutional uses:

Government/Institutional Construction Values

	<u>Total</u>
1997	\$40,011,790
1998	70,003,914
1999	28,121,993
2000	104,543,236
2001	97,338,063
2002 (Jan-Sept)	123,025,641

A comparison of the building permit fees with other municipalities was completed and Hamilton is the second lowest of all surveyed municipalities.

	Hamilton \$/m ²	Burlington	Oakville	Mississauga	Toronto	Kitchener	Niagara Falls	Windsor
Institutional, Hospitals, Medical Care Facilities, Nursing Homes, and other Group B Buildings	\$12.96	\$14.78	\$15.00	\$15.93	\$22.35	\$15.61	\$11.97	\$13.45

Hamilton is the lowest except for Niagara Falls. It is interesting to note that Oakville which also operates on an enterprise model charges \$15.00/m² which is 16% higher than Hamilton's rate. Also, none of the comparable municipalities had a variable rate schedule for Government/Institutional uses to account for large projects.

SUBJECT: Development Charges and Building Permit Fees for the Hamilton Regional Cancer Centre and St. Joseph's Healthcare – Follow Up Report to Outstanding Business Item FF as at December 3/02 - (PD02186(a)/FCS02100(a)) (Wards 2 & 7) Page 4 of 12

Although none of the comparable municipalities had a variable rate for large scale Government/Institutional projects, staff does see some merit in terms of recognizing the very large projects due to their scale and, as such, recommend that a variable rate apply to all large scale Institutional projects as follows:

3(a) Group B (Institutional Occupancies)

Institutional, Hospitals, Medical Care Facilities, Nursing Homes, and other Group B Buildings

	Service Index \$/m²
0 to 10,000 m ²	\$12.96
10,000 m ² to 20,000 m ²	9.72
20,000 m ² and over	6.48

Project Details

- a) The St. Joseph's development is comprised of an addition and also renovation to the existing building.

	<u>Floor Area Sq. M.</u>	<u>Construction Cost \$</u>
Tower addition	29,230	\$ 82,253,171
Renovations	<u>7,850</u>	<u>\$ 18,037,459</u>
Total	37,080	\$100,290,630

Optional Fee Reductions

- 1) Current fee of \$12.96/m²
37,080 m² x \$12.96 = \$480,556.80

- 2) Variable Scale
0 to 10,000 m² at \$12.96 \$129,600.00
over 10,000 m² at \$ 6.48 \$175,478.84
\$305,078.84

Utilizing this variable scale averages to a fee of \$8.23 /m² and a revenue loss of \$175,477.96.

SUBJECT: Development Charges and Building Permit Fees for the Hamilton Regional Cancer Centre and St. Joseph's Healthcare – Follow Up Report to Outstanding Business Item FF as at December 3/02 - (PD02186(a)/FCS02100(a)) (Wards 2 & 7) Page 5 of 12

3) Variable Scale

0 to 10,000 m ² at \$12.96	\$129,600.00
10,000 – 20,000 m ² at \$9.72	97,200.00
20,000 – and over at \$6.48	<u>110,678.40</u>
	\$337,478.40

Utilizing this variable scale averages to a fee of \$9.10/m² and a revenue loss of \$143,078.40 which is the option being recommended.

- b) The HRCC development is comprised of a 4 storey addition and also renovation to the existing building.

	Floor Area sq. m.	Construction Cost
Addition	7091	\$103,594
Renovations (minor)	2067	\$ 3,761
Total		\$107,355

Optional Fee Reductions:

- 1) Current fee of \$12.96/m² for addition plus \$9.82/m² for minor renovations = \$107,355
- 2) Fee remains same \$107,355
- 3) Fee remains same \$107,355

Due to the small size of development, the variable scale does not have an impact on the fees.

B) DEVELOPMENT CHARGES

The following issues are examined with regard to Council's request for additional information :

- A. The hospital's (geographic) patient profile.
- B. Development charge treatment of colleges and universities.

A. GEOGRAPHIC PROFILE

Hamilton Regional Cancer Centre (HRCC):

- Serves a population base of approximately 2.3 million people.
- Central/West Ontario area includes Brant, Haldimand-Norfolk, Hamilton, parts of Halton, Wellington, Dufferin, parts of Waterloo, and Niagara.

SUBJECT: Development Charges and Building Permit Fees for the Hamilton Regional Cancer Centre and St. Joseph's Healthcare – Follow Up Report to Outstanding Business Item FF as at December 3/02 - (PD02186(a)/FCS02100(a)) (Wards 2 & 7) Page 6 of 12

- 152,500 patient visits in fiscal year 2001/02.
- 40% (61,000) of which were Hamilton residents.

Based on growth patterns, the HRCC projects that the number of patient visits from Hamilton will be about 75,000 per year by 2009/10. New cancer centres are planned for Niagara, Kitchener, and Peel Regions in the future, which would result in Hamilton residents making up more of the total percentage of patients at the HRCC.

St. Joseph's Healthcare (St. Joseph's):

The following figures are for St. Joseph's fiscal year 2001/2002 for the Charlton Street site and the Stoney Creek site.

- 21,000 to 22,000 in-patient discharges, 82% of which are Hamilton residents
- 428,000 Out-patient visits
- 103,000 Emergency room visits
- 160,000 Out-patient therapy days
- 3,700,000 diagnostic and therapeutic procedures

In-patients are classified as those that are admitted to a bed. Out-patients do not stay overnight. Percentages of Hamilton residents making up out-patient visits and therapeutic visits was not readily available, however, the percentage of Hamilton residents in these categories would be higher than 82% since these types of procedures tend to take place close to home.

The hospitals' recognize that some of their patients are from outside Hamilton whereas any exemptions would be subsidized entirely by Hamilton residents.

The following development charge payment options for the hospitals include the staff recommendation (OPTION 1), that no exemption be provided for Development Charges. The reasons for this are that current financial constraints for the City of Hamilton mean that the funding of these exemptions from the general tax levy would be financially prohibitive. The funding of only the combined development charges exemption (\$1.43 million) would require the equivalent of a 0.53% residential tax increase for the average homeowner. This means that if the tax levy had to support \$1.43 million in growth-related development, a 0.53% residential tax increase would result.

1. There are a number of non-residential development charge reserves (refer Table 3) which are currently in a negative balance. Granting these exemptions would further exacerbate this situation. The fact that these reserves are in a negative balance has forced staff to partially finance any required non-residential, growth-related projects from the general tax levy. The City cannot afford to continue this practice.

SUBJECT: Development Charges and Building Permit Fees for the Hamilton Regional Cancer Centre and St. Joseph's Healthcare – Follow Up Report to Outstanding Business Item FF as at December 3/02 - (PD02186(a)/FCS02100(a)) (Wards 2 & 7) Page 7 of 12

2. Hospitals are already receiving substantial reductions towards property tax liabilities in the form of Payments in Lieu of Taxes (PILs). Total property taxes for institutional properties funded by the Province should pay approximately \$20 million per year. Instead, these institutions pay only \$1.8 million in PILs.
3. \$185,893 in development charge credits have already been applied towards the HRCC development to account for the demolition of 43,637 sq. ft. of floor area. \$72,420 in development charge credits have been applied towards St. Joseph's outstanding development charges to account for the demolition of 17,000 sq. ft.
4. Granting this exemption would set a significant precedent. Since this request for development charge relief has been made public, staff has received several inquiries from retirement home developers for similar treatment.

Option #2 – 30% Exemption from development charges. This is based on the Provincial funding formula for these types of projects in which the Province funds 70% of eligible construction costs. According to the Province, eligible construction costs include development charges and building permit fees. To offset the Hospitals' costs the City would provide relief for the 30% hospital share of development charges that would not be subsidized by the Province. The total cost of this option would be \$429,012 which translates to an equivalent 0.16% residential tax increase for the average City property.

Option #3 – 33.8% exemption for HRCC, and 48.4% exemption for St. Joseph's. This is based on the percentage of recovery by the Hospitals of total submitted construction costs versus what the Province will actually be funding. The City would be providing proportionate relief for the 33.8% and 48.4% of HRCC's and St. Joseph's share of development charges respectively. The total cost of this option would be \$667,403 which translates to an equivalent 0.25% residential tax increase for the average City property.

Option #4 – 50% Exemption. At the Committee of the Whole meeting of September 25th, 2002 staff was requested to report on this option. As in options 2 and 3, the City's ability to fund future growth-related capital projects would be diminished. A 50% development charge exemption would cost \$715,020, and would require the equivalent of a 0.26% residential tax increase.

Option #5 – Total Exemption. This option would see the City exempting the full amount of development charges payable. The funding of the combined development charges exemption (\$1.43 million) would require the equivalent of a 0.53% residential tax increase for the average homeowner. This option would most negatively impact on the development charge reserve balances.

B. DEVELOPMENT CHARGE TREATMENT OF COLLEGES AND UNIVERSITIES

Currently, colleges and universities in Ontario do not pay development charges. In 1994, the Ontario Court (General Division) ruled that colleges and universities, as agents of the Crown, are not bound by the Development Charges Act and as such are not required to pay development charges. This case involved the College D'Arts Appliques et de Technologie La Cite Collegiale which won its case against the Corporation of the City of Ottawa and the Regional Municipality of Ottawa-Carleton.

C. DEVELOPMENT CHARGE CREDIT TRANSFERS

Beds currently at the HRCC (Chedoke site) will be transferred from the HRCC to St. Joseph's. St. Joseph's would like the development charge credits from those buildings that will be demolished. The reason being that no new services are being added since beds are simply being transferred.

However, these are two different properties with two different owners. If a credit is granted to St. Joseph's for buildings that will be demolished at the HRCC and if the HRCC site is redeveloped, the future developer will ask for the demolition credit also and under the terms of City by-laws the City would have to grant it. The end result being that credits would be granted twice for the same redevelopment.

ANALYSIS OF ALTERNATIVES:

OPTION 1 – NO EXEMPTION

This is the staff recommended alternative. This option is consistent with existing by-laws which charge \$4.26 per sq. ft. of institutional development in the City of Hamilton.

Institutional developments such as hospitals are already receiving substantial tax reductions under the current regime of payments in lieu of taxes.

Institutional properties funded by the Province (eg. hospitals, colleges, universities, and correctional facilities) contribute only \$1.8 million in payments in lieu of taxes in Hamilton. This results in substantial savings for these institutions since they would be paying about \$20 million annually if they were fully taxed at the residential rate, and \$71 million if taxed at the commercial rate.

Furthermore, non-residential development charges have not been increased for inflation since 1999. This results in a \$27,900 savings for the HRCC and a \$207,500 savings for St. Joseph's Healthcare on their respective developments.

The City currently has policies in place in order to mitigate cash flow concerns. The HRCC and St. Joseph's can enter into a 10-year development charge deferral agreement whereby the City would charge the prime rate of interest compounded

SUBJECT: Development Charges and Building Permit Fees for the Hamilton Regional Cancer Centre and St. Joseph's Healthcare – Follow Up Report to Outstanding Business Item FF as at December 3/02 - (PD02186(a)/FCS02100(a)) (Wards 2 & 7) Page 9 of 12

monthly. No minimum monthly or yearly payments would be required, and full or partial payments may be made at any time without penalty.

In recognition of the special funding constraints faced by the hospitals, staff recommend that the hospitals be allowed to enter into a 10-year deferral agreement, interest free, whereby they can make 10 equal installment payments. Based on a 4% discount rate, this option would cost the City \$223,787 and require the equivalent of a 0.08% residential tax increase if the tax levy had to support \$223,787 in growth-related development. Of the alternatives, this is the least costly option to the City.

OPTION 2 – 30% EXEMPTION

This is derived from the percentage of eligible construction costs NOT provided for in the provincial funding formula. Development Charges and Building Permit Fees are both considered eligible construction costs by the Ministry of Health and Long-Term Care. As such, the 70% funding that the Province is providing for eligible costs is going towards paying 70% of these development charges. The remaining hospital percentage (30%) would be exempted by the City.

This option would burden the development charge reserves and would diminish the City's ability to fund growth-related projects in the future. Since the Province is willing to fund 70% of eligible costs, the City should recover at a minimum 70% of the development charges.

This option would set a precedent. Future institutional development may seek similar exemptions. As Table 2 illustrates, the City currently collects about \$500,000 to \$1,000,000 annually from institutional development, the majority of which are long-term care facilities (nursing homes). Since amendments have already been made to lower development charges on long-term care facilities (ie. per room charge rather than per sq. ft. charge) any precedent setting exemption arising from this report should be applied to Hospitals only. However, the City will receive pressure/ requests to extend the exemption to nursing homes.

As can be seen from Table 1, this annual collection stream is already insufficient to provide for anticipated infrastructure costs. Furthermore, certain development charge reserves are currently in a deficit position.

OPTION 3 – 33.8% EXEMPTION HRCC; 48.4% EXEMPTION ST. JOSEPH'S

These percentages are derived from the effective percent of total construction costs that the respective hospitals are paying because some costs are ineligible for subsidy. Only patient care related facilities are eligible to receive a 70% subsidy from the Province. Construction of other facilities, for example construction of research and academic facilities, are not eligible for Provincial funding. As a result, HRCC's and St. Joseph's effective percentage of construction costs are 33.8% and 48.4% respectively. The remaining percentages are paid by the Provincial government. Option 3 exempts the

SUBJECT: Development Charges and Building Permit Fees for the Hamilton Regional Cancer Centre and St. Joseph's Healthcare – Follow Up Report to Outstanding Business Item FF as at December 3/02 - (PD02186(a)/FCS02100(a)) (Wards 2 & 7) Page 10 of 12

percentage of development charges in proportion to the percentage of total construction costs subsidized by the Province.

OPTION 4 – 50% EXEMPTION

This option was reviewed at the request of the Committee of the Whole. A 50% exemption would mean that HRCC and St. Joseph's would pay \$84,712 and \$630,307 respectively in development charges.

OPTION 5 – TOTAL EXEMPTION

Under this option, the full amount of the development charges would be exempted.

Staff do not recommend this option. A total exemption would be a lost opportunity to maximize Provincial tax dollar transfers. The Province is willing to fund up to 70% of eligible costs (which include development charges and building permit fees) but under this option no Provincial dollars are transferred to the City.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Table 1 illustrates that several development charge reserves are currently in a deficit position. A partial or total exemption would worsen the situation.

TABLE 1

DC RESERVES CURRENTLY IN A DEFICIT POSITION (as of July 26, 2002)			
DC Reserve	Former Municipality	Classification	Deficit Position
Storm Sewer	Region	Residential	-\$1,277,243
Roads and Freeway	Region	Non-Residential	-\$2,702,911
Police	Region	Non-Residential	-\$449,693
Traffic Signals	Hamilton	Res/NonRes*	-\$13,130
Growth Management	Hamilton	Res/NonRes*	-\$71,236
Storm Water	Hamilton	Inactive	-\$63,822
Roads	Ancaster	Res/NonRes*	-\$922,523
Parks	Dundas	Res/NonRes*	-\$6,140
Indoor Recreation	Dundas	Res/NonRes*	-\$96,871

* Res/NonRes indicates that reserve collections are comprised of both residential DC revenues and non-residential DC revenues.

Reserves in bold are those that would benefit from non-residential development charges collected from HRCC and St. Joseph's.

SUBJECT: Development Charges and Building Permit Fees for the Hamilton Regional Cancer Centre and St. Joseph's Healthcare – Follow Up Report to Outstanding Business Item FF as at December 3/02 - (PD02186(a)/FCS02100(a)) (Wards 2 & 7) Page 11 of 12

The 1999 Development Charges Background Studies for the former Region and the former area municipalities estimated that the combined annual total of institutional development charges collected would be \$1.7 million.

Table 2 illustrates what the City has actually collected for institutional development (currently classed as residential care facilities) over the past few years.

TABLE 2

2002	to end of July		\$835,000
2001			\$486,600
2000	Hamilton proper only		\$425,222
All Institutional development charges collected			

Of note is that all of the development charges collected in Table 2 are from the development of long-term care facilities.

As can be seen from Table 1, the City has been falling short on institutional collections. As a consequence, future growth-related projects would require more funding from the general tax levy and water/sewer rates. Some reasons for this shortfall include:

- Amending Regional and former City of Hamilton By-laws 00-015 and 00-041 respectively, which changed the classification of long-term care facilities from institutional to residential. On average, a new retirement home assessed on a per bed basis now pays 70 % less development charges as a residential facility than it would if it were subject to institutional rates assessed on a per square foot basis.
- In order to remain competitive, non-residential rates have not been indexed for inflation. As a result, institutional rates, and hence collections, are lower than they actually could be.
- An Ontario Court (General Division) ruling that colleges and universities, as agents of the Crown, are not bound by the Development Charges Act and as such are not required to pay development charges. Also, Council approved exemptions for other school development (i.e., Calvin Christian Schools).

In terms of future hospital developments, the General Hospital has plans for a 4-storey addition. The McMaster Medical Centre is also planning an addition. Since the plans are in the preliminary stages, the gross floor areas and corresponding development charges applicable to these projects are not available at this time.

Since report PD02186/FCS02100 was released, a long-term care facility development has contacted staff to see if the HRCC and St. Joseph's were granted an exemption. They feel that any exemption provided to the Hospitals should also be provided to long-

SUBJECT: Development Charges and Building Permit Fees for the Hamilton Regional Cancer Centre and St. Joseph's Healthcare – Follow Up Report to Outstanding Business Item FF as at December 3/02 - (PD02186(a)/FCS02100(a)) (Wards 2 & 7) Page 12 of 12

term care facilities. It is their view that the services they provide are beneficial to the community in the same way as those provided by the HRCC and St. Joseph's. Should any of the alternative options be selected by Council, whereby a full or partial exemption is granted, staff recommend that any new policy exemptions be limited to hospitals, and not be extended to long-term care facilities, thereby minimizing the impact of a precedent setting exemption on the development charge reserves.

Staffing – No implications.

Legal – A partial or total exemption would set a precedent. Development charge by-laws may need amending as a result.

POLICIES AFFECTING PROPOSAL:

Staff recommend that any exemptions granted be applied to Hospital developments only, not for example, to long-term care facilities.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Finance and Corporate Services Department
Planning and Development Department – Building and Licensing Division
Hamilton Regional Cancer Centre
St. Joseph's Healthcare

CITY STRATEGIC COMMITMENT:

Investment in Infrastructure
Attracting and Retaining Business
VISION 2020 – A Sustainable City
Maintain Service Levels

PCL:TDM/fd

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2002



REVISED

City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 02-043

Tuesday, December 10, 2002

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.city.hamilton.on.ca
(click on "City Government")

DEC 10/02
REVISED

1. DECLARATIONS OF INTEREST

2. ADOPTION OF MINUTES

2.1 December 3, 2002 (to be distributed)

3. DELEGATION REQUESTS

None

4. CONSENT ITEMS

None

5. PRESENTATIONS

DISCUSSION ITEMS

6. CITY MANAGER

None

7. COMMUNITY SERVICES

7.1 Indoor Soccer Facility - Unsolicited Proposals (CS02096) (Ward 3)

7.2 Request for Canadian Baseball League Franchise in Hamilton (CS02091) (Ward 6)

7.3 Emergency Shoreline Stabilization Works at 12 & 14 Trillium Avenue, Hamilton (CS02095) (Ward 11)

7.4 Memorandum of Understanding – Partnership with YMCA at South Mountain Project/Turner Park (CS02033(b)) (City Wide and Ward 7)

8. CORPORATE SECRETARIAT

None

9. ECONOMIC DEVELOPMENT

None

10. FINANCE AND CORPORATE SERVICES

- 10.1 Bingo Hall/Slot Machine Proposal (to be distributed)
- 10.2 The New Municipal Act (LS02224) (City Wide)
- 10.3 IP Telephony FCS02142

11. HUMAN RESOURCES

None

12. PLANNING AND DEVELOPMENT

- 12.1 Anti-Solicitation By-law to Prevent Accident Scene Solicitation (PD02234) (City Wide)

13. SOCIAL AND PUBLIC HEALTH SERVICES

- 13.1 Safe Drinking Water Act (SPH02029) (City Wide)

14. TRANSPORTATION, OPERATIONS AND ENVIRONMENT

- 14.1 Request for All-Way Stop Control - Avondale Street and Mons Avenue (TOE02211) (Ward 3)
- 14.2 Request for All-Way Stop Control at the Intersection of Mount Pleasant Drive and Pearson Drive (TOE02214) (Ward 6)
- 14.3 Speed Limit Requests for Rural Roads - Leeming Road and Trinity Church Road (TOE02212) (Ward 11) - Outstanding Business Item BB from August 14, 2002
- 14.4 Policy Respecting Temporary Road Closures for Special Events in Hess Village (TOE02215) (Ward 2)
- 14.5 Stop Controls - Fifty Road Joint Venture (TOE02216) (Ward 11)
- 14.6 Carluke Culvert Environmental Assessment (TOE02221) (Ward 12)

15. JOINT DEPARTMENTAL REPORTS

- 15.1 Municipal Act Project - Watermain on Regional Road 56 and Binbrook Road in Binbrook Village (TOE02210/PD02233/FCS02138) (Ward 11)

- 15.2 Development Charges and Building Permit Fees for the Hamilton Regional Cancer Centre and St. Joseph's Healthcare – Follow Up Report to Outstanding Business Item FF as at December 3/02 - (PD02186(a)/FCS02100(a)) (Wards 2 & 7)

16. REPORTS BY SUB-COMMITTEES

- 16.1 Animal Control Sub-Committee (to be distributed)
- 16.2 Golf Sub-Committee (to be distributed)

17. REPORTS BY THE VOLUNTEER CO-ORDINATING COMMITTEES

- 17.1 Joint Report - Volunteer Co-ordinating Committees (to be distributed)

18. MOTIONS

None

19. NOTICES OF MOTIONS

None

20. GENERAL INFORMATION

None

21. PRIVATE AND CONFIDENTIAL

- 21.1 Wentworth Lodge - Request for Proposal (RFP) SPH02020(a)) (City Wide)
- 21.2 Personnel Matter - Report by the Non Union Compensation Committee (MAY02007)
- 21.3 Personnel Matter - Report by the Non Union Compensation Committee (MAY02008)

22. ADJOURNMENT

OUTSTANDING BUSINESS

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
A.	Report on Colliers Recommendations – HECFI Facilities	March 28/01	Community Services		2002 - Q1
B.	Demolition of 226 Avondale Street	April 25/01	N/A		TABLED by Ward Councillor
C.	Toll for Red Hill Creek Expressway	Nov 21/01	TOE/Finance	Staff to bring a report back on option for tolling Red Hill Creek Expressway	Awaiting Provincial Regulations
D.	Spreading of Biosolids	Nov 21/01	Transportation and Environment	TABLED pending Staff report	
E.	People's Panel	Dec5/01	TBD	Staff to report back on financial and staffing implications, selection process, terms of reference and implementation timeline	
F.	Aquafit Seniors/Disabled Fees	March 5/02	Community Services	Staff to prepare critical analysis	
G.	Council Communication - Residential Care Facilities	Jan. 23/02	Social and Public Health Services	Referred to staff for comments	
H.	Strategy to attract Factory Outlet stores	Feb. 13/02/further updated on August 6/02	Economic Development	Staff to bring implementation plan to Committee	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
I.	Strategy for prioritizing abandoned industrial and commercial warehouse structures	Feb. 13/02 Aug. 13/02 follow-up request made	CMT	Staff to bring implementation plan to Committee	
J.	Revenue issues regarding billings and chargebacks	HSC - February 20/27	Finance and Corporate Services	Referred to staff for a report back	December 2002
K.	Remuneration and Expenses	March 5/02	Finance and Corporate Services	Staff to report back in future reports highlighting offsetting revenues which create a net expenditure, consultation with Councillors, indication of expenses authorized as Council expenses	March 2003
L.	Pest Control	May 7/02	Planning and Development	Staff to report back on control of pests/rodents prior to demolition permit issued	
M.	Hannon Post Office	May 7/02	Corporate Secretariat	Staff to report back on possibility of address changes that align with telephone exchanges	
N.	Correspondence from Hamilton District Labour Council/HUC Corporation Position Paper	Apr. 30/02	F&CS and HUC	Staff to bring report back	
O.	HR Matters	May 7/02	Economic Development	Staff to report back	
P.	Municipal Tax Competitiveness Study	May 23/02	Finance and Corporate Services	Referred to a Future COW in September	Nov./02

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
GG.					
HH.					

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MUNICIPAL DOCUMENT



City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 02-044

Tuesday, December 17, 2002

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.hamilton.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. PRESENTATIONS

- 2.1 Award of Contract C11-74-02
Recycling Collection and Operation of the Material Recycling
Facility (TOE02224/FCS02148) - (City Wide Implications)

3. MOTIONS

- 3.1 Forensic Audit - HECFI
3.2 Appointment to the Halton Conservation Authority

4. NOTICES OF MOTIONS

None

5. GENERAL INFORMATION

None

6. PRIVATE AND CONFIDENTIAL

- 6.1 SWARU

7. ADJOURNMENT

2.1

**CITY WIDE
IMPLICATIONS**

CITY OF HAMILTON

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Waste Management

and

FINANCE & CORPORATE SERVICES
Budgets & Fiscal Policy

Report to: Mayor and Members Committee of the Whole	Submitted by: Scott Stewart Acting General Manager Joseph L. Rinaldo General Manager
Date: December 10, 2002	Prepared by: Beth Goodger Extension 3916 Anna Apkarian Extension 4152

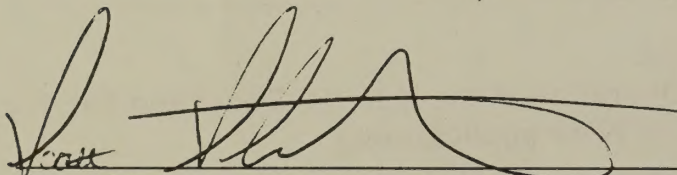
SUBJECT: Award of Contract C11-74-02
Recycling Collection and Operation of the Material Recycling Facility
(TOE02224/FCS02148) - (City Wide Implications)

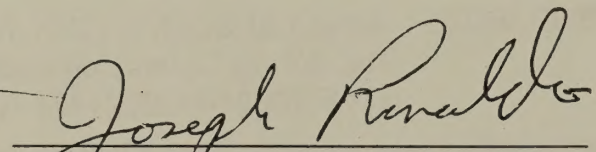
RECOMMENDATION:

- (a) That as per Report TOE02173 approved by Council September 11, 2002 the General Manager of Transportation, Operations and Environment be authorized and directed to negotiate a contract with each of the following preferred proponents for provision of the following services under Contract C11-74-02 based on the estimated volumes and specifications in the Request for Proposals issued by the General Manager of Transportation, Operations & Environment and the Proposals submitted by the preferred proponents:
- (i) Curbside collection of recyclable material from single family residential units, multi-residential facilities, municipally owned facilities, eligible commercial properties, churches, public space recycling containers, festivals, elementary and secondary schools, to HALTON RECYCLING LTD. at a total estimated cost of \$13,531,000.00 including all applicable taxes for the period of March 31, 2003 to December 31, 2005 (four acceptable proposals received).
 - (ii) Automated recycling cart collection of recyclable materials from multi-residential, elementary and secondary schools, municipally owned facilities and eligible commercial properties to HALTON RECYCLING LTD. at a total estimated cost of \$979,000.00 including all applicable taxes for the period of March 31, 2003 to December 31, 2005 (three acceptable proposals received).

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 2 of 17

- (iii) Operation and maintenance of the City's Material Recycling Facility (MRF) to CANADA FIBERS LTD. at a total estimated cost of \$5,136,000.00 including all applicable taxes for the period of March 31, 2003 to December 31, 2005 (four acceptable proposals received).
- (b) That the Mayor and the City Clerk be authorized and directed to execute the above-mentioned recycling contracts in a form satisfactory to the City Solicitor.
- (c) That a temporary, one year contract position be added to the Waste Management Division complement to manage the new contracts and the need to continue the position be reviewed by the General Manager of Transportation, Operations and Environment after 8 months.
- (d) That the Communications Strategy as set out in Appendix C of Report TOE02224/FCS02148 be implemented from within existing budgets in order to inform residents of the recycling program changes.
- (e) That the General Manager of Transportation, Operations and Environment and General Manager of Finance and Corporate Services undertake a detailed assessment of the surplus recycling vehicles and report back to Council with recommendations for the appropriate disposal of these assets.


Scott Stewart, Acting General Manager
Transportation, Operations & Environment


Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

City Council, at its meeting of September 11, 2002, approved Item 26 of Committee of the Whole Report No. 02-030, Recycling Program Issues (TOE02173). The report recommended that an interim Recycling Program be implemented from March 31, 2003, to December 31, 2005, to include weekly curbside blue box collection service, automated cart collection service for multi-residential facilities, public space recycling, festival and special event recycling, recycling at schools and operation of the Material Recycling Facility. To implement the program, it was recommended that a Request for Proposals (RFP) be issued in order to solicit contract pricing for the following options:

- 100% contract operations
- 100% public operations
- Combinations of the above

The RFP was issued on September 24, 2002, and closed on November 5, 2002. A total of 9 bids were received, of which 5 were acceptable. In addition, an internal submission was made by City staff for 100% recycling collection, 50% recycling collection, multi-residential cart collection and operation of the Material Recycling Facility (MRF).

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 3 of 17

Evaluation and analysis of the proposals concludes that the RFP should be awarded as follows:

- Curbside collection of recyclable material in all waste collection zones (Section 3.1) and multi-residential automated cart collection (Section 3.2) to **Halton Recycling Ltd.** of Burlington.
- Operation of the Material Recycling Facility (Section 3.3) to **Canada Fibers Ltd.** of Etobicoke.

It is critical that a decision on the recycling program services be made in December in order to implement the changes effective March 31, 2003. New waste collection calendars will be printed in February 2003 and distributed in early March 2003 making it essential to finalize operating arrangements. This time is also required by the successful proponents to mobilize staffing, vehicles and other resources required to provide the requested services. This decision also provides residents with an immediate way of increasing the amount of waste diverted from landfill and reducing the impact of the early closure of SWARU.

BACKGROUND:

The purpose of this RFP was to establish collection and processing systems for recyclable materials on an interim basis from March 31, 2003 to December 31, 2005, to correspond with the current waste collection contracts. Improvements to the recycling system are necessary to improve and broaden service and to increase the materials collected, with the objective of increasing the amount of waste diverted from landfill and working toward the target of 65% diversion by 2008 in accordance with the Solid Waste Management Master Plan (SWMMP).

The unusual nature of the RFP process and the request for an internal submission demanded that some teams be structured to remove biases from the process to whatever extent possible. As such teams were struck for the internal submission, the preparation of the RFP, the evaluation of submissions and a core team to oversee the process. In addition, input was obtained from a number of internal departments/divisions on an advisory basis.

A consultant, Klaassen & Associates Inc. was retained to assist in the preparation of the RFP document, which was structured based on the City's previous Waste Collection RFP.

The RFP requested proposals for:

- curbside collection of recyclable material by the waste collection zones (three A zones and three B zones),
- automated recycling cart collection for multi-residential facilities,
- operation of the Material Recycling Facility, and
- optional alternative proposals.

Existing Contractors

The City's existing contractors for the recycling program are Hamilton-Wentworth Third Sector Employment Enterprises ("Third Sector") and L.K. Trucking ("Kucemba").

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 4 of 17

In its letter to City Council dated October 9, 2002, Third Sector attached a separate one page letter dated October 7, 2002 addressed to the City's Manager of Purchasing, which indicated that Third Sector was unable to meet the terms of reference for the RFP but offered to "negotiate an agreement with Waste Management Staff of the City of Hamilton to provide Recycling Services utilizing the equipment provided by the City of Hamilton to accomplish the work as specified by the City until December 31, 2005 or as otherwise determined." City staff advised Third Sector that its letter did not comply with the terms and conditions of the RFP but that, as for any bidder, Third Sector may if it chose, submit a proposal by itself or in partnership with someone else by the closing date of the RFP. This same one page letter was separately submitted to the Manager of Purchasing in a sealed envelope as part of the RFP process with no changes. The proposal was not evaluated as it did not meet the requirements set out in the RFP document. As indicated in the staff report in September 2002 (TOE02173), the current arrangement with this company is not recommended to achieve the desired diversion rates.

Kucemba did submit a proposal but unfortunately it was not acceptable as they did not provide an agreement to bond and did not acknowledge receiving the addenda as specified in the RFP.

If the recommendations contained in this report are approved by City Council, City staff will be working closely with Third Sector and Kucemba to ensure as orderly a transition as possible to the successful proponents.

Third Sector was requested to submit a proposal for a Training Program. The company responded in their October 9, 2002 letter to City Council, indicating that they had no interest in continuing the training program unless they were selected as the successful proponent. As such, this element was not requested as part of the RFP. Discussions with Social and Public Health Services have indicated that there are other training programs in place in the community. Social and Public Health Services will look at other alternative programs in the community and refer participants to the appropriate program based on individual needs.

The recommendations contained in this report have City wide implications and relate to essential service delivery provisions located throughout the entire City. Staff has completed the direction from Council to solicit competitive prices for the services detailed in this report in conjunction with the Purchasing Division.

ANALYSIS OF ALTERNATIVES

RFP Evaluation

Contained within the RFP document is selection criteria detail, which has been used to evaluate all proposals received as well as the internal submission from City Staff and to determine the successful proponent(s). This selection criteria has been included as Appendix A. To further assist in evaluation, each category was divided into objectively measurable sections to produce an evaluation matrix with a point score of 100. Each of the five acceptable proposals and the internal submission by City staff has been evaluated by a six-member evaluation team. The evaluation team included two staff members of the Waste Management Division, two representatives from Finance, one staff member from the Purchasing Division and the consultant working on the project.

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 5 of 17

Results and recommendations of the evaluation are summarized in Appendix B. Prices are shown for the total contract period from March 31, 2003 to December 31, 2005. It should be noted that the composition of the evaluation matrix was structured so as to not only ensure best value for the City but also to provide confidence that the preferred proponent can indeed fulfil the requirements of the contract in a satisfactory manner.

Internal Submission

The internal submission team was led by the Manager of Collections. The 8 member team had representatives from Waste Management, Fleet Services, Finance, Legal, Human Resources and CUPE 5167. Representatives from CUPE 5167 were active members of the team and the submission was a joint effort. A Consultant was retained to assist in preparing the submission. The submission was prepared according to the same timelines as the private sector proposals using the RFP document and form of proposal wherever possible. The approach taken was viewed to be a positive experience and one that could be repeated in the future.

Council requested costing for provision of the recycling program using 100% and 50% city forces. Table 1 below show the costing for these options.

Table 1 - Internal Submission Costs

OPTIONS		Total Contract Price 2003-2005 (millions)
100% City	ALL	\$32.29
50/50 Split	City - A Zones	\$21.07
Recommended:		
Halton Recycling Ltd.	A Zones	\$6.25
Halton Recycling Ltd.	B Zones	\$7.28
Halton Recycling Ltd.	Carts	\$0.98
Canada Fibers Ltd.	MRF	\$5.14
Recommended Total		\$19.65

Communications Strategy

A comprehensive strategy to communicate the program changes is outlined in Appendix C of this report. Effective communication of the changes will be essential to achieving the desired diversion rates. The cost to communicate the changes will be covered through existing operating budgets for community outreach and capital budget in the case of multi-residential recycling. Partnerships with Tetrapak and Environment and Plastics Industry Council (EPIC) will also be explored to leverage monies being spent on promoting the program changes. These companies have indicated an interest in working with the City to increase recovery of plastic (EPIC) and adding aseptic packaging (Tetrapak).

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 6 of 17

The plan also includes the distribution of a blue box to every household. This tactic will be extremely effective in communicating the changes and making sure that every home has the right tool for the job. A second box for some is also a message that one can recycle more. The cost of purchasing the boxes is estimated at \$800,000.00. This was an anticipated expenditure as part of the Solid Waste Management Master Plan and will be covered as part of the approved Capital Budget.

Implementation of the Communications Strategy will raise awareness in the community about recycling and the SWMMP. It will be a concrete way to show how actions can be taken by residents to reduce waste going to landfill following closure of SWARU.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

WDO Funding

Improvements to the recycling program will have a direct impact on the future funding the City will receive from Waste Diversion Ontario (WDO). The WDO program pays up to 50 percent of net municipal blue box program costs. However, the amount of funding that will be forthcoming will factor in the amount of material diverted and program efficiencies. Increasing costs relating to collection and processing of recyclable material are offset by increased material revenues and WDO funding. Therefore it is imperative that the recycling program be enhanced to generate optimal efficiencies to maximize the WDO funding.

2003 Budget Impacts

A three-year budget forecast for the Recycling Program was developed based on contract costs for the successful proponents and other operating costs for the Recycling Program such as training, facility and capital maintenance. Revenues for the sale of recyclable material were projected based on current market prices. Although WDO funding is projected to increase for 2004 and 2005, funding was conservatively projected based on 2003 levels for these years.

Before consideration of the Recycling RFP results, staff were projecting an increase in recycling costs for 2003 from the Budget Outlook presented to Council due to WDO funding. As a result of delays in setting up the organization and the method of calculating funding (based on 2001 data), WDO funding levels for 2003 will be significantly lower than indicated in the Budget Outlook.

The budget forecast shown in Table 2 shows that the recommended option will maintain costs indicated in the Budget Outlook, with revised WDO funding included in the budget estimates. Tax impacts for each year are also shown in this table. A comparison of tax impacts compared to the internal submission options is provided in Appendix D.

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 7 of 17

Table 2	2003 Requested (Budget Outlook)	2003 Requested (Recommended)	2004 Projected (Recommended)	2005 Projected (Recommended)
Tonnes Recycled	42,000	42,000	53,700	60,000
Net Budget	\$3,690,000	\$3,680,000	\$3,510,000	\$3,750,000
Cost Per Tonne	\$87.65	\$87.55	\$65.29	\$62.47
Tax Impact (\$/residence)	\$7.40	\$7.36	(\$1.26)	\$1.79
% Change	37%	37%	-5%	7%

Funding for a temporary one year contract position has been included in the budget forecast for the recommended approach. This position is required to ensure that the start-up of the new contracts is closely monitored. Possible revenues from disposal of the City's recycling fleet has not been factored into the analysis. Staff will undertake a detailed review of options and report back to Council. Consideration will be given to the salvage value of the vehicles and the possibility of reusing the vehicles within the City's fleet. The balance of the recycling vehicle reserve will be transferred to offset requirements for the waste collection fleet.

Legal

The employees of the existing recycling contractors, Third Sector and Kucemba, are not City employees and therefore the City is not subject to any collective agreements involving those contractors and their employees.

If City Council approves the recommendations contained in this report, the employees of the existing recycling contractors will be an issue for those existing recycling contractors as well as the successful proponents to deal with. However, the preferred proponents have indicated that the employees of the existing contractors will be considered as part of the recruiting process that will be undertaken by them. As well, as part of the City's settlement with Philip Services last year, the City agreed to indemnify Third Sector for severance and termination costs arising from the City's termination of its contract with Third Sector, to the extent such costs exceeded Third Sector's reserve fund. The maximum amount of that indemnity is \$213,000.00. The actual amount of those costs will not be known until after the termination of the existing verbal contract at the end of March, 2003.

POLICIES AFFECTING PROPOSAL:

The policies directly affecting waste diversion programs, including recycling, are those in the SWMMP. The maintenance and potential enhancement of the recycling program support and assist in the implementation of several of the SWMMP recommendations, including:

- contributing to the optimization of the capacity of the Glanbrook landfill by removing recyclables from the waste stream;
- contributing to the 65% diversion target by 2008; and
- supporting continuous improvement to the waste management system.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Finance & Corporate Services
Legal
Human Resources
Social & Public Health Services
SWMMP Steering Committee

CITY STRATEGIC COMMITMENT:

Hamilton's Mission, Vision, Values and Goals Statement

The maintenance and improvements to the City's recycling program contribute to the development and enhancement of the City's waste diversion programs which are consistent with Council's Mission, Vision, Values and Goals Statement.

Effective Solid Waste programs support the City's vision for "...a safe, healthy, sustainable community...". The diversion of waste preserves the life of the landfill sustaining capacity for the future.

Recycling programs and improvements contribute to the fulfilment of several of the goals including:

- VISION 2020 (to be addressed below);
- a healthy, safe and green City;
- reducing waste going to the landfill;
- performance measurement of waste diversion programs; and
- best practices - best value, balance service provision and programs with long term benefit of landfill life.

Sustainable Development - VISION 2020

Recycling programs and program enhancements contribute to fulfilling the goal of managing waste safely and responsibly. It is also consistent with several of the specific Strategies for a Sustainable Community for Reducing and Managing Waste, including a comprehensive waste management plan that focuses on the reduction of waste and the diversion of waste for reuse and recycling, and enhancing diversion programs and increasing participation.

Business Planning and Budget

The City Manager's report on Business Planning and Budget was approved by Committee of the Whole on June 18, 2002 and by Council on June 26, 2002.

The recommendations in this report are considered to be in alignment with Council's priority to be fiscally accountable, with the intent to provide best value for tax dollars invested. The implementation of the recommendations and the SWMMP will be monitored to evaluate the performance of the waste management system.

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 9 of 17

APPENDIX 'A'

2.8 SELECTION CRITERIA

The City will evaluate all Proposal(s) submitted within the stated deadline, and will use the following criteria toward the final selection of the successful Proponent(s). Any Subcontractor named in a Proposal will be evaluated within subsections 1.1 and 1.2 of the following criteria.

Criterion	Measure	Weight
<u>1. Company Credentials</u>		
1.1. Experience of Company	The relevant experience of company to undertake the bid portions of the proposal. The evaluation will consider the level of similar work undertaken both currently and in the past.	15%
1.2. References	The evaluation will consider both given and sought references of the proponents' past history in waste management activities.	20%
<u>2. Proposal Presentation</u>		
2.1. Proposal Understanding	The evaluation will consider the contents of the response to the RFP, given the requirements as set out in Sections 1, 2 and 3, the Form of the Proposal, and information provided in Sections 5 and 6.	10%
2.2. Implementation Plan	The evaluation will consider feasibility to undertake the proposal, the suitability of the equipment, and facilities, and innovative approaches to reduce costs and provide better services to the public.	15%
<u>3. Financial</u>		
3.1. Total Price	The evaluation will consider the Total Proposal Price given a final selection of the levels of service.	40%
Total		100%

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 10 of 17

APPENDIX 'B'

Request for Proposals Evaluation – Summary

Proponent	100% Curbside *		Cart		MRF	
	Ranking	Total Contract Price (millions)	Ranking	Total Contract Price (millions)	Ranking	Total Contract Price (millions)
City	3	\$20.156	2	\$1.169	4	\$10.968
Canadian Waste	2	\$16.435	4	\$2.604	5	\$13.463
Halton Recycling Ltd.	1	\$13.531	1	\$0.979	3	\$7.474
HGC Management	n/a	n/a	3	\$1.966	2	\$6.050
J.W. Sheldrick	4	\$32.957	n/a	n/a	n/a	n/a
Canada Fibers Ltd.	n/a	n/a	n/a	n/a	1	\$5.136

Notes

* 100% Curbside Ranking based on collection from all six zones.

Total Contract Price is estimated based on tonnages, number of stops and number of containers as set out in RFP C11-74--02, for the entire contract from March 31, 2003 to December 31, 2005.

APPENDIX 'C'

Communications Strategy

Recycling Request for Proposals

Purpose of the Plan

This draft Communications Plan is designed to promote and support the changes in recycling collection services in the City of Hamilton, which are intended to make collection services more efficient, simplify how recyclables are collected and add new items that will be collected. The plan is targeted toward eligible properties that receive waste collection services provided by the City:

- curbside collection
- automated recycling cart collection

The new Recycling Collection Services will take effect March 31st, 2003 and our focus is on letting residents know what to expect before the change occurs. Changes will be determined in December 2002, when the Request for Proposals (RFP) has been awarded. Upon Council approval of the RFP, a calendar outlining collection dates from March 31st, 2003 – April 2nd, 2004 will be finalized and delivered to all affected properties receiving curbside waste collection services prior to the changes taking place.

Effective communication of the changes, why they are occurring and when they are happening will be an important factor in ensuring customer acceptance and participation. This change represents a unique opportunity to educate Hamilton customers about the City's Solid Waste Management Master Plan and its goal of 65% waste diversion by 2008. It also provides residents with a means to take action to reduce waste being landfilled following closure of SWARU. Conversely, failure to communicate the initiative properly could directly effect resident participation.

This plan focuses on the launch of the curbside recycling program and uses this aspect of the recycling program changes to raise awareness in the community. Apartment and school recycling programs will be promoted on a facility by facility basis and are mentioned in a general way under external communications.

Objectives

- Increase the amount of waste diverted through the City's recycling program
- Increase recycling participation rates
- Increase recycling capture rates
- Inform residents of any changes in the acceptable items list
- Inform residents of any changes in blue box material preparation
- Minimize incidents of inconvenience to residents
- Create resident understanding of the reasons for the initiative, and support for the change
- Continue to promote the Solid Waste Management Master Plan (SWMMP) and its Recommendations, as adopted by Council in December 2001

Desired Outcomes

- Residents have a better high-level understanding of why the changes are necessary (SWMMP, i.e. our 65% diversion target)
- Residents have a better idea of how to prepare their recyclables for collection
- Residents perceive the changes as a step forward for waste management in Hamilton

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 12 of 17

- Residents perceive that the changes were communicated effectively and well enough in advance
- Resident questions and issues are anticipated and addressed in a proactive fashion
- Residents are able to access additional information easily and quickly
- Staff are trained and well-equipped to handle resident inquiries
- Every household is equipped with a blue box

Situation Analysis

Strengths

There is ample opportunity between now and April for advance notice to customers.

Residents are willing to participate given the continual increases in participation rates of the Leaf & Yard Waste collection program.

The changes will provide an enhanced level of service.

The changes will allow residents to put more items into their blue box.

The rationale for change is sensible and easily explained.

The change is a forward and positive step towards 65% waste diversion in Hamilton.

Weaknesses

Source-separation collection systems face the challenge of changing behaviour by putting the onus on residents to separate their waste.

Hamilton's recycling rate is currently one of the lowest in Canada.

Opportunities

Hamilton's recycling rate is currently one of the lowest in Canada.

This change allows us to reach every household in Hamilton with a comprehensive information package that introduces the changes, explains the City's reasons for doing it and how it will enhance service.

This comprehensive communications effort allows us to reinforce waste reduction and diversion messages, and to establish a reputation for excellent public education initiatives.

Threats

Any variation in service represents change to the household, which is typically met with resistance.

Audiences

- Hamilton Residents (150,000 households and 60,000 multi-residential units eligible for recycling collection services)
- Businesses receiving recycling collection services
- Local schools
- Media outlets
- Residents groups
- City staff
- City Councillors
- Web users

Messages

- Recycling collection is being enhanced in Hamilton in pursuit of 65% waste diversion by 2008.
- SWARU Closure means we need to do more.
- The blue box is getting bigger – additional items are being added in order to divert more waste from landfill.
- Hamilton's taking steps to becoming a leader in Waste Management practices.

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 14 of 17

Internal Communications			
Tactic	Details	Timing	Estimated Cost
Councillor Newsletters	Waste Management to provide regular updates.	Late January - April	2003 Operating Budget
Contact Centre Training	Training for Contact Centre Representatives so that they are equipped to respond to resident concerns.	Early March	\$0
Driver Training	Training for collection staff about the new services being provided	Mid March - April	\$0
eNet posting	Details of changes taking place, collection days, etc.	Early March	\$0
City of Hamilton Employee Newsletter Special Edition	A whole edition devoted to the Recycling Collection enhancements.	First Quarter edition	\$0
Poster Campaign	Campaign posters to all internal departments	Early March	\$10,000
Project Updates to Council	As needed	January - May	2003 Operating Budget

External Communications			
Tactic	Details	Timeline	Estimated Cost
Apartment Recycling Program	Provision of blue recycling bags and brochures to all apartment units as buildings are added	April – December	Existing Capital Budget
Blue Box Delivery	A new blue box for every household	March - April	\$800,000 (2003 Capital Budget)
Brochure Insert with 2003-04 Waste Collection Calendar	Brochure outlining all changes, extensive Acceptable Items list and instructions on how to prepare recyclables for collection	First week of March	\$20,000
Calendar Mailer	2003-04 Waste Collection Calendar	First week of March	Existing Budget
Councillor Ward Meetings	Staff support provided to Council to educate residents about the enhancements	February - March	2003 Operating Budget
Curbside Communication	Use of stickers and/or notices at the curb to advise residents of collection concerns	April 1 st - ongoing	2003 Operating Budget

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 15 of 17

<i>External Communications</i>			
Tactic	Details	Timeline	Estimated Cost
Hamilton Up Front	Regular appearances on Hamilton's CHML radio show.	February - April	\$0
HSR Bus Advertising	Bus Backs that prompt delivery of calendar "It's coming... if you don't receive yours..."; various routes according to daily allotment of buses	March, April (and beyond)	\$15,000
Internet (in general)	Up-to-date information on web site	Early March, to coincide with Calendar delivery	2003 Operating Budget
Key Message Development	Consultant assistance *Corporate Communications and Consulting Advice	December – July	\$10,000
Newspaper	Series of paid advertising promoting blue box awareness	March, April (and beyond)	\$25,000
Public Space Recycling Containers	Use free advertising on OMG Containers	March, April and beyond	\$0
Radio	Series of paid advertising promoting blue box awareness (production costs included)	March, April (and beyond)	\$25,000
Radio	Promotional spots on Morning and Afternoon Drive-Time Shows	March, April (and beyond)	\$0
School Recycling Program	Promotion of program to elementary and secondary schools	May – December	To be determined
Television	Series of paid advertising promoting recycling awareness (production costs included)	March, April (and beyond)	\$50,000
Television	Promotional spots such as CH Morning Live, 6 o'clock news and Community Calendar	March, April (and beyond)	\$0
Transit Shelters	Series of paid advertising promoting recycling awareness leveraged with free advertising	March, April (and beyond)	\$20,000

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 16 of 17

<i>Media</i>			
Tactic	Details	Timeline	Estimate Cost
Media Kit	Package put together to hand out to media outlining changes	Early March	\$5,000
Media Releases	Regular updates as needed	Late January - April	2003 Operating Budget

Evaluation

Monitor media coverage to determine reporting of key messages

Monitor Customer Contact Centre calls for questions, complaints and compliments

Monitor Customer Contact Centre for 'lack of communication' concerns post-April 15th

Monitor Web site hits and E-Mail inquiries

Monitor E-Mail inquiries for 'lack of communication' concerns post-April 1st

Conduct a follow-up Public Opinion Survey in mid-2002 focusing on new collection service

Monitor tonnes of recyclable material collected

APPENDIX 'D'

Request for Proposals Evaluation – Tax Impacts

	2002 Approved Budget	2002 Projected Actuals*	2003 Requested (Budget Outlook)	2003 Requested	2004 Projected	2005 Projected
Tonnes Recycled	26,654	26,654	42,000	42,000	53,700	60,000
Net Budget	\$2,677,670	\$4,461,370	\$3,681,394	\$3,677,000	\$3,506,089	\$3,748,373
Cost Per Tonne	\$100.46	\$167.38	\$87.65	\$87.55	\$65.29	\$62.47
Tax \$ Impact Per Avge Residence		\$13.14	\$7.40	\$7.36	(\$1.26)	\$1.79
% Change		67%	37%	37%	-5%	7%
Net Budget	\$2,677,670	\$4,461,370	\$3,681,394	\$3,719,550	\$3,877,469	\$4,711,188
Cost Per Tonne	\$100.46	\$167.38	\$87.65	\$88.56	\$72.21	\$78.52
Tax \$ Impact Per Avge Residence		\$13.14	\$7.40	\$7.68	\$1.16	\$6.14
% Change		67%	37%	39%	4%	22%
Net Budget	\$2,677,670	\$4,461,370	\$3,681,394	\$5,393,162	\$8,222,785	\$9,958,439
Cost Per Tonne	\$100.46	\$167.38	\$87.65	\$128.41	\$153.12	\$165.97
Tax \$ Impact Per Avge Residence		\$13.14	\$7.40	\$20.01	\$20.85	\$12.79
% Change		67%	37%	101%	52%	21%

*(\$808,000 contract overrun, \$976,000 WDO funding shortfall)

100% Private
(Recommended)

50/50 Split

100% City



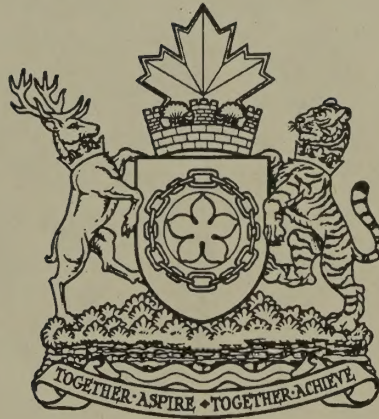
MOTION

Council Date: December 17, 2002

MOVED BY COUNCILLOR FERGUSON.....

SECONDED BY COUNCILLOR.....

That the Audit Sub-Committee be requested to investigate and report back on the performing of a forensic audit of the Hamilton Entertainment Facilities Inc. operations.



MOTION

Council Date: December 17, 2002

MOVED BY COUNCILLOR McCARTHY.....

SECONDED BY COUNCILLOR.....

That Martin Ince be appointed to the Halton Conservation Authority as a citizen replacement for Councillor R. Powers.



NOTES

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City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 02-045

Friday, December 20, 2002

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.hamilton.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. DISCUSSION

- 2.1 Award of Contract C11-74-02
Recycling Collection and Operation of the Material Recycling
Facility (TOE02224/FCS02148) - (City Wide Implications)
- 2.2 Airport Water Reservoir (FCS02150) (Ward 11) - **added**
- 2.3 City Policy in Respect of Development Charge Payment Deferral
Agreements for the Hotel/Motel Industry (FCS02151) (City Wide) -
added

3. MOTIONS

None

4. NOTICES OF MOTIONS

None

5. GENERAL INFORMATION

None

6. PRIVATE AND CONFIDENTIAL

None

7. ADJOURNMENT

2.1

**CITY WIDE
IMPLICATIONS**

CITY OF HAMILTON

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Waste Management

and

FINANCE & CORPORATE SERVICES
Budgets & Fiscal Policy

Report to:	Mayor and Members Committee of the Whole	Submitted by:	Scott Stewart Acting General Manager Joseph L. Rinaldo General Manager
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Date:	December 10, 2002	Prepared by:	Beth Goodger Extension 3916 Anna Apkarian Extension 4152
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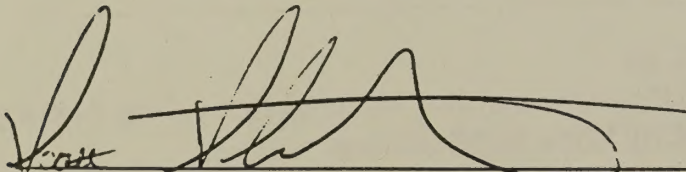
SUBJECT: Award of Contract C11-74-02
Recycling Collection and Operation of the Material Recycling Facility
(TOE02224/FCS02148) - (City Wide Implications)

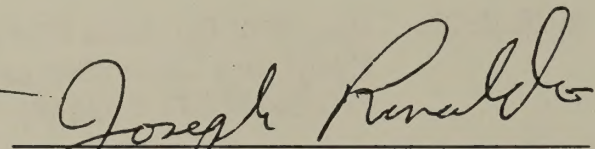
RECOMMENDATION:

- (a) That as per Report TOE02173 approved by Council September 11, 2002 the General Manager of Transportation, Operations and Environment be authorized and directed to negotiate a contract with each of the following preferred proponents for provision of the following services under Contract C11-74-02 based on the estimated volumes and specifications in the Request for Proposals issued by the General Manager of Transportation, Operations & Environment and the Proposals submitted by the preferred proponents:
- (i) Curbside collection of recyclable material from single family residential units, multi-residential facilities, municipally owned facilities, eligible commercial properties, churches, public space recycling containers, festivals, elementary and secondary schools, to HALTON RECYCLING LTD. at a total estimated cost of \$13,531,000.00 including all applicable taxes for the period of March 31, 2003 to December 31, 2005 (four acceptable proposals received).
 - (ii) Automated recycling cart collection of recyclable materials from multi-residential, elementary and secondary schools, municipally owned facilities and eligible commercial properties to HALTON RECYCLING LTD. at a total estimated cost of \$979,000.00 including all applicable taxes for the period of March 31, 2003 to December 31, 2005 (three acceptable proposals received).

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 2 of 17.

- (iii) Operation and maintenance of the City's Material Recycling Facility (MRF) to CANADA FIBERS LTD. at a total estimated cost of \$5,136,000.00 including all applicable taxes for the period of March 31, 2003 to December 31, 2005 (four acceptable proposals received).
- (b) That the Mayor and the City Clerk be authorized and directed to execute the above-mentioned recycling contracts in a form satisfactory to the City Solicitor.
- (c) That a temporary, one year contract position be added to the Waste Management Division complement to manage the new contracts and the need to continue the position be reviewed by the General Manager of Transportation, Operations and Environment after 8 months.
- (d) That the Communications Strategy as set out in Appendix C of Report TOE02224/FCS02148 be implemented from within existing budgets in order to inform residents of the recycling program changes.
- (e) That the General Manager of Transportation, Operations and Environment and General Manager of Finance and Corporate Services undertake a detailed assessment of the surplus recycling vehicles and report back to Council with recommendations for the appropriate disposal of these assets.


Scott Stewart, Acting General Manager
Transportation, Operations & Environment


Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

City Council, at its meeting of September 11, 2002, approved Item 26 of Committee of the Whole Report No. 02-030, Recycling Program Issues (TOE02173). The report recommended that an interim Recycling Program be implemented from March 31, 2003, to December 31, 2005, to include weekly curbside blue box collection service, automated cart collection service for multi-residential facilities, public space recycling, festival and special event recycling, recycling at schools and operation of the Material Recycling Facility. To implement the program, it was recommended that a Request for Proposals (RFP) be issued in order to solicit contract pricing for the following options:

- 100% contract operations
- 100% public operations
- Combinations of the above

The RFP was issued on September 24, 2002, and closed on November 5, 2002. A total of 9 bids were received, of which 5 were acceptable. In addition, an internal submission was made by City staff for 100% recycling collection, 50% recycling collection, multi-residential cart collection and operation of the Material Recycling Facility (MRF).

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 3 of 17

Evaluation and analysis of the proposals concludes that the RFP should be awarded as follows:

- Curbside collection of recyclable material in all waste collection zones (Section 3.1) and multi-residential automated cart collection (Section 3.2) to **Halton Recycling Ltd.** of Burlington.
- Operation of the Material Recycling Facility (Section 3.3) to **Canada Fibers Ltd.** of Etobicoke.

It is critical that a decision on the recycling program services be made in December in order to implement the changes effective March 31, 2003. New waste collection calendars will be printed in February 2003 and distributed in early March 2003 making it essential to finalize operating arrangements. This time is also required by the successful proponents to mobilize staffing, vehicles and other resources required to provide the requested services. This decision also provides residents with an immediate way of increasing the amount of waste diverted from landfill and reducing the impact of the early closure of SWARU.

BACKGROUND:

The purpose of this RFP was to establish collection and processing systems for recyclable materials on an interim basis from March 31, 2003 to December 31, 2005, to correspond with the current waste collection contracts. Improvements to the recycling system are necessary to improve and broaden service and to increase the materials collected, with the objective of increasing the amount of waste diverted from landfill and working toward the target of 65% diversion by 2008 in accordance with the Solid Waste Management Master Plan (SWMMP).

The unusual nature of the RFP process and the request for an internal submission demanded that some teams be structured to remove biases from the process to whatever extent possible. As such teams were struck for the internal submission, the preparation of the RFP, the evaluation of submissions and a core team to oversee the process. In addition, input was obtained from a number of internal departments/divisions on an advisory basis.

A consultant, Klaassen & Associates Inc. was retained to assist in the preparation of the RFP document, which was structured based on the City's previous Waste Collection RFP.

The RFP requested proposals for:

- curbside collection of recyclable material by the waste collection zones (three A zones and three B zones),
- automated recycling cart collection for multi-residential facilities,
- operation of the Material Recycling Facility, and
- optional alternative proposals.

Existing Contractors

The City's existing contractors for the recycling program are Hamilton-Wentworth Third Sector Employment Enterprises ("Third Sector") and L.K. Trucking ("Kucemba").

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 4 of 17

In its letter to City Council dated October 9, 2002, Third Sector attached a separate one page letter dated October 7, 2002 addressed to the City's Manager of Purchasing, which indicated that Third Sector was unable to meet the terms of reference for the RFP but offered to "negotiate an agreement with Waste Management Staff of the City of Hamilton to provide Recycling Services utilizing the equipment provided by the City of Hamilton to accomplish the work as specified by the City until December 31, 2005 or as otherwise determined." City staff advised Third Sector that its letter did not comply with the terms and conditions of the RFP but that, as for any bidder, Third Sector may if it chose, submit a proposal by itself or in partnership with someone else by the closing date of the RFP. This same one page letter was separately submitted to the Manager of Purchasing in a sealed envelope as part of the RFP process with no changes. The proposal was not evaluated as it did not meet the requirements set out in the RFP document. As indicated in the staff report in September 2002 (TOE02173), the current arrangement with this company is not recommended to achieve the desired diversion rates.

Kucemba did submit a proposal but unfortunately it was not acceptable as they did not provide an agreement to bond and did not acknowledge receiving the addenda as specified in the RFP.

If the recommendations contained in this report are approved by City Council, City staff will be working closely with Third Sector and Kucemba to ensure as orderly a transition as possible to the successful proponents.

Third Sector was requested to submit a proposal for a Training Program. The company responded in their October 9, 2002 letter to City Council, indicating that they had no interest in continuing the training program unless they were selected as the successful proponent. As such, this element was not requested as part of the RFP. Discussions with Social and Public Health Services have indicated that there are other training programs in place in the community. Social and Public Health Services will look at other alternative programs in the community and refer participants to the appropriate program based on individual needs.

The recommendations contained in this report have City wide implications and relate to essential service delivery provisions located throughout the entire City. Staff has completed the direction from Council to solicit competitive prices for the services detailed in this report in conjunction with the Purchasing Division.

ANALYSIS OF ALTERNATIVES

RFP Evaluation

Contained within the RFP document is selection criteria detail, which has been used to evaluate all proposals received as well as the internal submission from City Staff and to determine the successful proponent(s). This selection criteria has been included as Appendix A. To further assist in evaluation, each category was divided into objectively measurable sections to produce an evaluation matrix with a point score of 100. Each of the five acceptable proposals and the internal submission by City staff has been evaluated by a six-member evaluation team. The evaluation team included two staff members of the Waste Management Division, two representatives from Finance, one staff member from the Purchasing Division and the consultant working on the project.

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 5 of 17

Results and recommendations of the evaluation are summarized in Appendix B. Prices are shown for the total contract period from March 31, 2003 to December 31, 2005. It should be noted that the composition of the evaluation matrix was structured so as to not only ensure best value for the City but also to provide confidence that the preferred proponent can indeed fulfil the requirements of the contract in a satisfactory manner.

Internal Submission

The internal submission team was led by the Manager of Collections. The 8 member team had representatives from Waste Management, Fleet Services, Finance, Legal, Human Resources and CUPE 5167. Representatives from CUPE 5167 were active members of the team and the submission was a joint effort. A Consultant was retained to assist in preparing the submission. The submission was prepared according to the same timelines as the private sector proposals using the RFP document and form of proposal wherever possible. The approach taken was viewed to be a positive experience and one that could be repeated in the future.

Council requested costing for provision of the recycling program using 100% and 50% city forces. Table 1 below show the costing for these options.

Table 1 - Internal Submission Costs

OPTIONS		Total Contract Price 2003-2005 (millions)
100% City	ALL	\$32.29
50/50 Split	City - A Zones	\$21.07
Recommended:		
Halton Recycling Ltd.	A Zones	\$6.25
Halton Recycling Ltd.	B Zones	\$7.28
Halton Recycling Ltd.	Carts	\$0.98
Canada Fibers Ltd.	MRF	\$5.14
Recommended Total		\$19.65

Communications Strategy

A comprehensive strategy to communicate the program changes is outlined in Appendix C of this report. Effective communication of the changes will be essential to achieving the desired diversion rates. The cost to communicate the changes will be covered through existing operating budgets for community outreach and capital budget in the case of multi-residential recycling. Partnerships with Tetrapak and Environment and Plastics Industry Council (EPIC) will also be explored to leverage monies being spent on promoting the program changes. These companies have indicated an interest in working with the City to increase recovery of plastic (EPIC) and adding aseptic packaging (Tetrapak).

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 6 of 17

The plan also includes the distribution of a blue box to every household. This tactic will be extremely effective in communicating the changes and making sure that every home has the right tool for the job. A second box for some is also a message that one can recycle more. The cost of purchasing the boxes is estimated at \$800,000.00. This was an anticipated expenditure as part of the Solid Waste Management Master Plan and will be covered as part of the approved Capital Budget.

Implementation of the Communications Strategy will raise awareness in the community about recycling and the SWMMP. It will be a concrete way to show how actions can be taken by residents to reduce waste going to landfill following closure of SWARU.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

WDO Funding

Improvements to the recycling program will have a direct impact on the future funding the City will receive from Waste Diversion Ontario (WDO). The WDO program pays up to 50 percent of net municipal blue box program costs. However, the amount of funding that will be forthcoming will factor in the amount of material diverted and program efficiencies. Increasing costs relating to collection and processing of recyclable material are offset by increased material revenues and WDO funding. Therefore it is imperative that the recycling program be enhanced to generate optimal efficiencies to maximize the WDO funding.

2003 Budget Impacts

A three-year budget forecast for the Recycling Program was developed based on contract costs for the successful proponents and other operating costs for the Recycling Program such as training, facility and capital maintenance. Revenues for the sale of recyclable material were projected based on current market prices. Although WDO funding is projected to increase for 2004 and 2005, funding was conservatively projected based on 2003 levels for these years.

Before consideration of the Recycling RFP results, staff were projecting an increase in recycling costs for 2003 from the Budget Outlook presented to Council due to WDO funding. As a result of delays in setting up the organization and the method of calculating funding (based on 2001 data), WDO funding levels for 2003 will be significantly lower than indicated in the Budget Outlook.

The budget forecast shown in Table 2 shows that the recommended option will maintain costs indicated in the Budget Outlook, with revised WDO funding included in the budget estimates. Tax impacts for each year are also shown in this table. A comparison of tax impacts compared to the internal submission options is provided in Appendix D.

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 7 of 17

Table 2	2003 Requested (Budget Outlook)	2003 Requested (Recommended)	2004 Projected (Recommended)	2005 Projected (Recommended)
Tonnes Recycled	42,000	42,000	53,700	60,000
Net Budget	\$3,690,000	\$3,680,000	\$3,510,000	\$3,750,000
Cost Per Tonne	\$87.65	\$87.55	\$65.29	\$62.47
Tax Impact (\$/residence)	\$7.40	\$7.36	(\$1.26)	\$1.79
% Change	37%	37%	-5%	7%

Funding for a temporary one year contract position has been included in the budget forecast for the recommended approach. This position is required to ensure that the start-up of the new contracts is closely monitored. Possible revenues from disposal of the City's recycling fleet has not been factored into the analysis. Staff will undertake a detailed review of options and report back to Council. Consideration will be given to the salvage value of the vehicles and the possibility of reusing the vehicles within the City's fleet. The balance of the recycling vehicle reserve will be transferred to offset requirements for the waste collection fleet.

Legal

The employees of the existing recycling contractors, Third Sector and Kucemba, are not City employees and therefore the City is not subject to any collective agreements involving those contractors and their employees.

If City Council approves the recommendations contained in this report, the employees of the existing recycling contractors will be an issue for those existing recycling contractors as well as the successful proponents to deal with. However, the preferred proponents have indicated that the employees of the existing contractors will be considered as part of the recruiting process that will be undertaken by them. As well, as part of the City's settlement with Philip Services last year, the City agreed to indemnify Third Sector for severance and termination costs arising from the City's termination of its contract with Third Sector, to the extent such costs exceeded Third Sector's reserve fund. The maximum amount of that indemnity is \$213,000.00. The actual amount of those costs will not be known until after the termination of the existing verbal contract at the end of March, 2003.

POLICIES AFFECTING PROPOSAL:

The policies directly affecting waste diversion programs, including recycling, are those in the SWMMP. The maintenance and potential enhancement of the recycling program support and assist in the implementation of several of the SWMMP recommendations, including:

- contributing to the optimization of the capacity of the Glanbrook landfill by removing recyclables from the waste stream;
- contributing to the 65% diversion target by 2008; and
- supporting continuous improvement to the waste management system.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Finance & Corporate Services
Legal
Human Resources
Social & Public Health Services
SWMMP Steering Committee

CITY STRATEGIC COMMITMENT:

Hamilton's Mission, Vision, Values and Goals Statement

The maintenance and improvements to the City's recycling program contribute to the development and enhancement of the City's waste diversion programs which are consistent with Council's Mission, Vision, Values and Goals Statement.

Effective Solid Waste programs support the City's vision for "...a safe, healthy, sustainable community...". The diversion of waste preserves the life of the landfill sustaining capacity for the future.

Recycling programs and improvements contribute to the fulfilment of several of the goals including:

- VISION 2020 (to be addressed below);
- a healthy, safe and green City;
- reducing waste going to the landfill;
- performance measurement of waste diversion programs; and
- best practices - best value, balance service provision and programs with long term benefit of landfill life.

Sustainable Development - VISION 2020

Recycling programs and program enhancements contribute to fulfilling the goal of managing waste safely and responsibly. It is also consistent with several of the specific Strategies for a Sustainable Community for Reducing and Managing Waste, including a comprehensive waste management plan that focuses on the reduction of waste and the diversion of waste for reuse and recycling, and enhancing diversion programs and increasing participation.

Business Planning and Budget

The City Manager's report on Business Planning and Budget was approved by Committee of the Whole on June 18, 2002 and by Council on June 26, 2002.

The recommendations in this report are considered to be in alignment with Council's priority to be fiscally accountable, with the intent to provide best value for tax dollars invested. The implementation of the recommendations and the SWMMP will be monitored to evaluate the performance of the waste management system.

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 9 of 17

APPENDIX 'A'

2.8 SELECTION CRITERIA

The City will evaluate all Proposal(s) submitted within the stated deadline, and will use the following criteria toward the final selection of the successful Proponent(s). Any Subcontractor named in a Proposal will be evaluated within subsections 1.1 and 1.2 of the following criteria.

Criterion	Measure	Weight
<u>1. Company Credentials</u>		
1.1. Experience of Company	The relevant experience of company to undertake the bid portions of the proposal. The evaluation will consider the level of similar work undertaken both currently and in the past.	15%
1.2. References	The evaluation will consider both given and sought references of the proponents' past history in waste management activities.	20%
<u>2. Proposal Presentation</u>		
2.1. Proposal Understanding	The evaluation will consider the contents of the response to the RFP, given the requirements as set out in Sections 1, 2 and 3, the Form of the Proposal, and information provided in Sections 5 and 6.	10%
2.2. Implementation Plan	The evaluation will consider feasibility to undertake the proposal, the suitability of the equipment, and facilities, and innovative approaches to reduce costs and provide better services to the public.	15%
<u>3. Financial</u>		
3.1. Total Price	The evaluation will consider the Total Proposal Price given a final selection of the levels of service.	40%
Total		100%

APPENDIX 'B'

Request for Proposals Evaluation – Summary

Proponent	100% Curbside *		Cart		MRF	
	Ranking	Total Contract Price (millions)	Ranking	Total Contract Price (millions)	Ranking	Total Contract Price (millions)
City	3	\$20.156	2	\$1.169	4	\$10.968
Canadian Waste	2	\$16.435	4	\$2.604	5	\$13.463
Halton Recycling Ltd.	1	\$13.531	1	\$0.979	3	\$7.474
HGC Management	n/a	n/a	3	\$1.966	2	\$6.050
J.W. Sheldrick	4	\$32.957	n/a	n/a	n/a	n/a
Canada Fibers Ltd.	n/a	n/a	n/a	n/a	1	\$5.136

Notes

* 100% Curbside Ranking based on collection from all six zones.

Total Contract Price is estimated based on tonnages, number of stops and number of containers as set out in RFP C11-74--02, for the entire contract from March 31, 2003 to December 31, 2005.

APPENDIX 'C'

Communications Strategy

Recycling Request for Proposals

Purpose of the Plan

This draft Communications Plan is designed to promote and support the changes in recycling collection services in the City of Hamilton, which are intended to make collection services more efficient, simplify how recyclables are collected and add new items that will be collected. The plan is targeted toward eligible properties that receive waste collection services provided by the City:

- curbside collection
- automated recycling cart collection

The new Recycling Collection Services will take effect March 31st, 2003 and our focus is on letting residents know what to expect before the change occurs. Changes will be determined in December 2002, when the Request for Proposals (RFP) has been awarded. Upon Council approval of the RFP, a calendar outlining collection dates from March 31st, 2003 – April 2nd, 2004 will be finalized and delivered to all affected properties receiving curbside waste collection services prior to the changes taking place.

Effective communication of the changes, why they are occurring and when they are happening will be an important factor in ensuring customer acceptance and participation. This change represents a unique opportunity to educate Hamilton customers about the City's Solid Waste Management Master Plan and its goal of 65% waste diversion by 2008. It also provides residents with a means to take action to reduce waste being landfilled following closure of SWARU. Conversely, failure to communicate the initiative properly could directly effect resident participation.

This plan focuses on the launch of the curbside recycling program and uses this aspect of the recycling program changes to raise awareness in the community. Apartment and school recycling programs will be promoted on a facility by facility basis and are mentioned in a general way under external communications.

Objectives

- Increase the amount of waste diverted through the City's recycling program
- Increase recycling participation rates
- Increase recycling capture rates
- Inform residents of any changes in the acceptable items list
- Inform residents of any changes in blue box material preparation
- Minimize incidents of inconvenience to residents
- Create resident understanding of the reasons for the initiative, and support for the change
- Continue to promote the Solid Waste Management Master Plan (SWMMP) and its Recommendations, as adopted by Council in December 2001

Desired Outcomes

- Residents have a better high-level understanding of why the changes are necessary (SWMMP, i.e. our 65% diversion target)
- Residents have a better idea of how to prepare their recyclables for collection
- Residents perceive the changes as a step forward for waste management in Hamilton

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 12 of 17

- Residents perceive that the changes were communicated effectively and well enough in advance
- Resident questions and issues are anticipated and addressed in a proactive fashion
- Residents are able to access additional information easily and quickly
- Staff are trained and well-equipped to handle resident inquiries
- Every household is equipped with a blue box

Situation Analysis

Strengths

There is ample opportunity between now and April for advance notice to customers.

Residents are willing to participate given the continual increases in participation rates of the Leaf & Yard Waste collection program.

The changes will provide an enhanced level of service.

The changes will allow residents to put more items into their blue box.

The rationale for change is sensible and easily explained.

The change is a forward and positive step towards 65% waste diversion in Hamilton.

Weaknesses

Source-separation collection systems face the challenge of changing behaviour by putting the onus on residents to separate their waste.

Hamilton's recycling rate is currently one of the lowest in Canada.

Opportunities

Hamilton's recycling rate is currently one of the lowest in Canada.

This change allows us to reach every household in Hamilton with a comprehensive information package that introduces the changes, explains the City's reasons for doing it and how it will enhance service.

This comprehensive communications effort allows us to reinforce waste reduction and diversion messages, and to establish a reputation for excellent public education initiatives.

Threats

Any variation in service represents change to the household, which is typically met with resistance.

Audiences

- Hamilton Residents (150,000 households and 60,000 multi-residential units eligible for recycling collection services)
- Businesses receiving recycling collection services
- Local schools
- Media outlets
- Residents groups
- City staff
- City Councillors
- Web users

Messages

- Recycling collection is being enhanced in Hamilton in pursuit of 65% waste diversion by 2008.
- SWARU Closure means we need to do more.
- The blue box is getting bigger – additional items are being added in order to divert more waste from landfill.
- Hamilton's taking steps to becoming a leader in Waste Management practices.

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 14 of 17

Internal Communications			
Tactic	Details	Timing	Estimated Cost
Councillor Newsletters	Waste Management to provide regular updates.	Late January - April	2003 Operating Budget
Contact Centre Training	Training for Contact Centre Representatives so that they are equipped to respond to resident concerns.	Early March	\$0
Driver Training	Training for collection staff about the new services being provided	Mid March - April	\$0
eNet posting	Details of changes taking place, collection days, etc.	Early March	\$0
City of Hamilton Employee Newsletter Special Edition	A whole edition devoted to the Recycling Collection enhancements.	First Quarter edition	\$0
Poster Campaign	Campaign posters to all internal departments	Early March	\$10,000
Project Updates to Council	As needed	January - May	2003 Operating Budget

External Communications			
Tactic	Details	Timeline	Estimated Cost
Apartment Recycling Program	Provision of blue recycling bags and brochures to all apartment units as buildings are added	April – December	Existing Capital Budget
Blue Box Delivery	A new blue box for every household	March - April	\$800,000 (2003 Capital Budget)
Brochure Insert with 2003-04 Waste Collection Calendar	Brochure outlining all changes, extensive Acceptable Items list and instructions on how to prepare recyclables for collection	First week of March	\$20,000
Calendar Mailer	2003-04 Waste Collection Calendar	First week of March	Existing Budget
Councillor Ward Meetings	Staff support provided to Council to educate residents about the enhancements	February - March	2003 Operating Budget
Curbside Communication	Use of stickers and/or notices at the curb to advise residents of collection concerns	April 1 st - ongoing	2003 Operating Budget

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 15 of 17

<i>External Communications</i>			
Tactic	Details	Timeline	Estimated Cost
Hamilton Up Front	Regular appearances on Hamilton's CHML radio show.	February - April	\$0
HSR Bus Advertising	Bus Backs that prompt delivery of calendar "It's coming... if you don't receive yours..."; various routes according to daily allotment of buses	March, April (and beyond)	\$15,000
Internet (in general)	Up-to-date information on web site	Early March, to coincide with Calendar delivery	2003 Operating Budget
Key Message Development	Consultant assistance *Corporate Communications and Consulting Advice	December - July	\$10,000
Newspaper	Series of paid advertising promoting blue box awareness	March, April (and beyond)	\$25,000
Public Space Recycling Containers	Use free advertising on OMG Containers	March, April and beyond	\$0
Radio	Series of paid advertising promoting blue box awareness (production costs included)	March, April (and beyond)	\$25,000
Radio	Promotional spots on Morning and Afternoon Drive-Time Shows	March, April (and beyond)	\$0
School Recycling Program	Promotion of program to elementary and secondary schools	May - December	To be determined
Television	Series of paid advertising promoting recycling awareness (production costs included)	March, April (and beyond)	\$50,000
Television	Promotional spots such as CH Morning Live, 6 o'clock news and Community Calendar	March, April (and beyond)	\$0
Transit Shelters	Series of paid advertising promoting recycling awareness leveraged with free advertising	March, April (and beyond)	\$20,000

SUBJECT: Award of Contract C11-74-0202 - Recycling Collection and Operation of the Material Recycling Facility (TOE02224/FCS02148) - (City Wide Implications) - Page 16 of 17

<i>Media</i>			
Tactic	Details	Timeline	Estimate Cost
Media Kit	Package put together to hand out to media outlining changes	Early March	\$5,000
Media Releases	Regular updates as needed	Late January - April	2003 Operating Budget

Evaluation

Monitor media coverage to determine reporting of key messages

Monitor Customer Contact Centre calls for questions, complaints and compliments

Monitor Customer Contact Centre for 'lack of communication' concerns post-April 15th

Monitor Web site hits and E-Mail inquiries

Monitor E-Mail inquiries for 'lack of communication' concerns post-April 1st

Conduct a follow-up Public Opinion Survey in mid-2002 focusing on new collection service

Monitor tonnes of recyclable material collected

APPENDIX 'D'

Request for Proposals Evaluation – Tax Impacts

	2002 Approved Budget	2002 Projected Actuals*	2003 Requested (Budget Outlook)	2003 Requested	2004 Projected	2005 Projected
Tonnes Recycled	26,654	26,654	42,000	42,000	53,700	60,000
Net Budget	\$2,677,670	\$4,461,370	\$3,681,394	\$3,677,000	\$3,506,089	\$3,748,373
Cost Per Tonne	\$100.46	\$167.38	\$87.65	\$87.55	\$65.29	\$62.47
Tax \$ Impact Per Avg Residence		\$13.14	\$7.40	\$7.36	(\$1.26)	\$1.79
% Change		67%	37%	37%	-5%	7%
Net Budget	\$2,677,670	\$4,461,370	\$3,681,394	\$3,719,550	\$3,877,469	\$4,711,188
Cost Per Tonne	\$100.46	\$167.38	\$87.65	\$88.56	\$72.21	\$78.52
Tax \$ Impact Per Avg Residence		\$13.14	\$7.40	\$7.68	\$1.16	\$6.14
% Change		67%	37%	39%	4%	22%
Net Budget	\$2,677,670	\$4,461,370	\$3,681,394	\$5,393,162	\$8,222,785	\$9,958,439
Cost Per Tonne	\$100.46	\$167.38	\$87.65	\$128.41	\$153.12	\$165.97
Tax \$ Impact Per Avg Residence		\$13.14	\$7.40	\$20.01	\$20.85	\$12.79
% Change		67%	37%	101%	52%	21%

*((\$808,000 contract overrun, \$976,000 WDO funding shortfall))

100% Private
(Recommended)

50/50 Split

100% City

CITY OF HAMILTON

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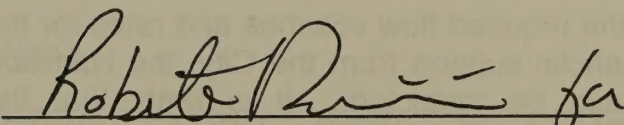
**FINANCE AND CORPORATE SERVICES DEPARTMENT
Capital Budgets and Fiscal Policy**

Report to: Mayor and Members Committee of the Whole	Submitted by: Joseph L. Rinaldo, General Manager
Date: December 6, 2002	Prepared by: Tony Del Monaco 905-546-2790

SUBJECT: Airport Water Reservoir (FCS02150)(Ward 11)

RECOMMENDATION:

- (a) That the City of Hamilton cost share with TradePort for the construction of a water reservoir, estimated cost of \$1.7 million, at John C. Munro Hamilton International Airport.
- (b) That the City's share of \$850,000 be funded from the non-residential water development charge reserve (110095).
- (c) That the City recover and re-imburse TradePort's share of the costs from future development by imposing a charge under Section 221 of the Municipal Act or some other cost recovery mechanism available to the City, provided that future development benefits from the reservoir.
- (d) That the Mayor and City Clerk be authorized and directed to enter into an agreement to execute this cost sharing arrangement.


Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

A water reservoir is proposed to be constructed at John C. Munro Hamilton International Airport. The estimated cost of this project is \$1.7 million. Under the proposed financing arrangement, the City of Hamilton would cost share in the project and provide a contribution of 50% (\$850,000). The City's share would be funded from the non-residential water development charge reserve (110095). TradePort would front-end the remaining 50% of the costs.

The City would repay TradePort's share to them if and when development in and around the airport occurs. The City would do so by imposing upon future benefitting development a cost recovery mechanism by way of Section 221 of the Municipal Act or other cost recovery mechanism available to the City. Cost recovery and reimbursement would only occur if other future developments benefit from the reservoir.

BACKGROUND:

WestJet, a tenant of TradePort International Corporation, is constructing a new aircraft maintenance hangar at the John C. Munro International Airport. WestJet's insurance underwriter will not allow the hangar facility to open, until certain fire fighting requirements are met.

Aircraft fires typically involve highly flammable substances such as jet fuel. Fighting these fires requires a specialised fire suppression system which utilises foam, applied in a deluge fashion, to smother the fire. For delivery, the foam is mixed with water and delivered at high rates. The City waterworks system in the vicinity of the Airport is capable of delivering fire flows at rates satisfactory for conventional fire fighting. However, to meet this specialised high rate, high volume, requirement additional local facilities are required. TradePort, in consultation with the City, has determined that these specialised needs can be addressed locally through provision of an on-site reservoir and high capacity deluge pumping system.

The estimated cost of this project is \$1.7 million. Due to the high level of capital requirements TradePort is faced with, they are requesting assistance in pre-funding for this project. It is recommended that the City cost share with TradePort in this project in order to promote development of the airport, one of the City's top strategic priorities. The City's share would be 50%, or \$850,000. Since this is a growth-related development project, the \$850,000 that the City is providing would be funded from the non-residential water development charge reserve (110095).

ANALYSIS OF ALTERNATIVES:

There are no other alternatives to providing the required flow volumes and rates for the hangar fire suppression system. Without financial support from the City, the Hamilton International Airport's expansion plans would be restricted. It is likely that the construction of the WestJet hangar project would be cancelled. This would prevent the City from achieving its goal of an expanded airport that is seen as a vital economic engine of the local economy. Construction of the deluge reservoir and pump system would address WestJet's immediate requirements and create a nucleus on which future hangar developments in the immediate vicinity could rely.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial:

The City's share is proposed to be funded from the non-residential water development charge reserve. Currently there is about \$900,000 in the reserve. Including the funding of this project, the forecasted year-end balance of the reserve in 2003 is approximately

\$440,000. Table 1 below provides a 5-year forecast of the year-end balances for the non-residential water development charge reserve.

TABLE 1					
FORECAST NON-RESIDENTIAL WATER DEVELOPMENT CHARGE RESERVE					
	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>
Opening Balance	532,976	919,667	442,598	810,589	1,231,805
Collections	391,100	366,390	425,012	425,012	425,012
Interest	13,591	6,541	11,979	18,204	24,117
Expenditures - 2003 W/WW Budget	(18,000)	0	(69,000)	(22,000)	(49,000)
<i>Airport Reservoir</i>	0	(850,000)	0	0	0
Debt Charges	0	0	0	0	0
Ending Balance	919,667	442,598	810,589	1,231,805	1,631,934

The remaining 50% of the costs would be front-ended by TradePort. The City would then recover TradePort's costs against future development only if future development benefits from the reservoir. These costs would be recovered by way of Section 221 of the Municipal Act, or other cost recovery mechanism available to the City at that time. The details of such a plan would have to be developed in the future once final project specifications are completed and plans for future developments in and around the airport are known.

Specific benefitting lands and their proportionate share of the costs would be identified at a later date.

The water reservoir would be considered to be airport infrastructure with TradePort International Corporation being responsible for the operation and maintenance of the reservoir.

POLICIES AFFECTING PROPOSAL:

None

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

Department of Transportation, Operations, and Environment

CITY STRATEGIC COMMITMENT:

- Growing Our Local Economy
- Investment in Infrastructure

City Wide and Balanced Investment
VISION 2020 – A Sustainable City

TABLE 1. Summary of the results of the regression analysis.				
Variable	Mean	Standard deviation	Minimum	Maximum
Age	35.2	12.5	18	65
Gender	Male	Female		
Education	High school	College	Graduate	
Income	\$10,000	\$20,000	\$30,000	\$40,000
Marital status	Single	Married	Divorced	Widowed
Religious affiliation	Protestant	Catholic	Jewish	Muslim
Political affiliation	Democrat	Republican	Independent	
Health status	Good	Fair	Poor	
Life expectancy	75	78	80	82
Quality of life	70	75	78	80
Life satisfaction	75	78	80	82
Life expectancy (95% CI)	74.5 - 75.5	77.5 - 78.5	79.5 - 80.5	81.5 - 82.5
Quality of life (95% CI)	69.5 - 70.5	74.5 - 75.5	77.5 - 78.5	79.5 - 80.5
Life satisfaction (95% CI)	74.5 - 75.5	77.5 - 78.5	79.5 - 80.5	81.5 - 82.5

The results of the regression analysis are presented in Table 1. The mean age of the sample was 35.2 years, with a standard deviation of 12.5 years. The majority of the sample was male (65%), and the majority was high school graduates (60%). The mean income was \$20,000, and the majority of the sample was married (60%). The majority of the sample was Protestant (60%), and the majority was Democrat (60%). The majority of the sample was in good health (60%), and the majority had a life expectancy of 75 years. The majority of the sample had a quality of life of 70, and the majority had a life satisfaction of 75.

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CITY OF HAMILTON

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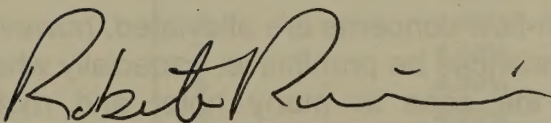
**FINANCE AND CORPORATE SERVICES DEPARTMENT
Capital Budgets and Fiscal Policy**

Report to: Mayor and Members Committee of the Whole	Submitted by: Joseph L. Rinaldo, General Manager
Date: December 18, 2002	Prepared by: Tony Del Monaco (905)546-2790

**SUBJECT: City Policy In Respect Of Development Charge Payment Deferral
Agreements For The Hotel/Motel Industry(FCS02151)(City Wide)**

RECOMMENDATION:

- (a) That the City of Hamilton approve a development charge deferral payment policy for the hotel/motel industry on the following basis:
- Maximum length of deferral is 5 years
 - No interest charges are applicable
 - No payments required in the first year
- (b) That the General Manager of Finance and Corporate Services be authorized to enter into and sign such agreements and have discretion in structuring development charge payment deferral agreements with respect to the timing and amount of payments subject to the parameters set out in recommendation (a).



Joseph L. Rinaldo, General Manager
Finance and Corporate Services

EXECUTIVE SUMMARY:

This report recommends that the City's policy on development charge payment deferral agreements be amended to allow for a five year, interest free deferral for the hotel/ motel industry. The General Manager of Finance and Corporate Services would have discretion in structuring hotel and motel development charge payments to the City in a manner satisfactory to all parties in order to facilitate such development.

Currently, non-residential deferral agreements are 10 years in length with interest accruing on unpaid balances at the City's short-term borrowing rate. With a single,

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limited deferral option open to developers there is concern that the City is not maximizing its development potential, particularly with higher risk developments that have initial periods of low rates of return as the business establishes itself. This is especially true of hotel and motel developments. The City currently has a room shortage that needs to be addressed to promote tourism, particularly in view of recently announced events that will be occurring in Hamilton.

BACKGROUND:

Development charges are normally payable at the building permit issuance stage. However, in 1991, Regional Council approved a policy to permit the deferral of development charges for a period of up to three years. The deferral policy was well received by small residential developers who could now defer the charge until the closing date of individual properties.

Non-residential developers indicated that a three-year deferral is often insufficient to provide cash flow assistance and in 1996, Regional Council approved the extension of the deferral period for up to ten years for non-residential development. Interest is payable at the short-term borrowing rate.

Since 1991, when deferral agreements were introduced, it has been the former Region's policy and now the City's policy to charge interest on outstanding development charges based on the City's short-term borrowing rate. No annual payments are required of developers throughout the term of the agreement.

The rationale for allowing deferred payment agreements is to promote development by alleviating cash flow concerns for developers who might otherwise not invest in Hamilton. By charging interest, the City is not incurring any time-value of money loss as a result of the deferral of the charge.

Under the current policy, developer's up front cash-flow concerns are alleviated, however the added cost of interest charges can in some instances be prohibitive, especially when the development charge is significant, as is the case in many hotel and motel developments. Although developers like the idea of being able to defer their charges to free up much needed start-up cash, they often times request to pay their charges in step payments annually without the imposition of interest charges. Currently, City policy does not allow for this type of arrangement.

The recommended change in policy would allow the General Manager the flexibility to restructure deferred payment agreements (by shortening the term from 10 years to 5 years) in a manner that is more conducive to developers of hotels/motels while minimizing the City's deferral costs and maximizing development potential.

ANALYSIS OF ALTERNATIVES:

The alternative would be to maintain the status quo. That being 10-year non-residential deferral agreements with interest charged at the City's short-term borrowing rate. With

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such a rigid and inflexible policy, hotel and motel developers who cannot incur high interest costs, but would be interested in shorter deferral periods, may become disinterested. With the flexibility of tailoring agreements to specific circumstances developers would be more willing to do business in Hamilton.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

FINANCIAL

The recommended change to the development charge deferral policy would allow the General Manager of Finance and Corporate Services the authority to structure deferred payment agreements in a manner more satisfactory to hotel and motel developers while minimizing the financial risk to the City and maximizing economic development potential.

The two scenarios below will be used for comparison purposes. Scenario one, shown in Table 1, represents a \$400,000 deferral agreement as it would be structured today – no annual payments are required, however interest is charged on outstanding balances. In this particular example, the developer opts to make one lump sum payment at the expiry of the agreement.

TABLE 1 - SCENARIO 1

SCENARIO 1: NO YEARLY PAYMENTS, 4% INTEREST				
Yr	payments	rate	interest	outstanding balance
1	-	4.00%	16,000	416,000
2	-	4.00%	16,640	432,640
3	-	4.00%	17,306	449,946
4	-	4.00%	17,998	467,943
5	-	4.00%	18,718	486,661
6	-	4.00%	19,466	506,128
7	-	4.00%	20,245	526,373
8	-	4.00%	21,055	547,428
9	-	4.00%	21,897	569,325
10	592,098	4.00%	22,773	(0)

*payments are made at the end of the year

In this example, the short-term borrowing rate is 4%. No annual payments are made, so interest is accumulating on the outstanding balance. The developer exercises his option not to pay until the expiry of the agreement, at which point the developer pays his/her \$400,000 principal and \$192,098 in accumulated interest.

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Scenario two also reflects a \$400,000 deferral agreement, but in a modified format. No interest is charged but annual payments are set forth in the agreement over five years, thus the City receives its payments faster.

TABLE 2 - SCENARIO 2

SCENARIO 2: YEARLY PAYMENTS, NO INTEREST				
Yr	payments	rate	interest	outstanding balance
1	50,000	-	-	350,000
2	50,000	-	-	300,000
3	100,000	-	-	200,000
4	100,000	-	-	100,000
5	100,000	-	-	-
6	-	-	-	-
7	-	-	-	-
8	-	-	-	-
9	-	-	-	-
10	-	-	-	-

***payments are made at the end of the year**

Taking into account the developers start-up cash flow concerns, only \$50,000 is paid at the end of the first two years. Once cash flow concerns begin to lessen, annual payments are increased to \$100,000 per year. Since the agreement was structured to be interest free, the developer only pays the principle of \$400,000.

An in-depth look at the two scenarios follows.

Encouraging Development

The ability to defer charges is a benefit to hotel and motel developers concerned about cash flow in the start-up phase of operations. For developers, the ability to defer charges is a definite plus, however the associated interest costs are often prohibitive to their long-term success. Allowing flexibility in structuring deferred payments would allow the City to be more receptive to developer needs, which in turn would promote the construction of more badly needed hotel/ motel rooms in the City. Lack of hotel/ motel accomodation is often cited as a problem in Hamilton, particularly in attracting large convention business. By working with developers the City is viewed as open to development and willing to co-operate.

On the other hand, by strictly adhering to rigid policies, potential hotel and motel developments may not proceed. The fact is that the manner in which deferred payments are currently structured may not be financially viable for many hotel and motel developers. By being flexible Hamilton opens the door to more development opportunity

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and makes it more cost effective to invest in the City. This is a possible step towards reducing Hamilton's hotel and motel room shortage issues.

Looking at scenario 2, the developer's start-up costs are kept low. As cash-flow concerns lessen, annual payments are increased. Overall, this example produces a cost saving of \$192,000 to the developer, as compared to scenario 1. A significant incentive to do business in Hamilton, while still ensuring that the City receives its funds in a more timely manner.

Interest Implications

In both scenario 1 and 2, the \$400,000 in development charges is recognized as development charge revenue when the building permit is issued and the deferral agreement is executed. The major concern then becomes the interest cost implications.

Currently, non-residential agreements are set up so that a developer has ten years to pay development charges. No minimum annual payments are required, however interest does accrue on outstanding balances.

The interest charges often deter hotel/ motel developers from entering into these types of agreements and so deter development from taking place. This is especially true of hotel and motel developments where relatively large amounts of development charges can eat into start-up capital. Hotel/ motel developments typically have negative cash flows in the early years following start-up as the business seeks to establish itself in the marketplace. The no interest deferral, but with a shorter repayment period would help to address these particular concerns.

To lessen the dollar impact to the City, agreements where interest is waived would be set-up to include a step payment schedule over a shorter period of time, as in scenario 2. The incentive to the developer is that payments can be deferred without interest. But what is the cost to the City?

TABLE 3

SCENARIO 1		amount paid during agreement period	4% discount rate	Amount stated in today's \$
10 yr deferral @ 4% interest	yr 10	\$592,098	4%	\$400,000
SCENARIO 2	yr 1	\$50,000	4%	\$48,077
	yr 2	\$50,000	4%	\$46,228
5 yr deferral	yr 3	\$100,000	4%	\$88,900
no interest	yr 4	\$100,000	4%	\$85,480
	yr 5	\$100,000	4%	\$82,193
				\$350,877
Cost to the City				\$49,123

Currently, the interest charges protect the City from the time-value loss of money. A developer who defers \$400,000 for 10 years pays \$592,098 in the tenth year. Stated in today's dollars, that \$592,098 is \$400,000.

Under the proposed no interest deferral agreement, a trade-off is made. In return for not charging interest, the City requires that payments be made sooner. On the surface, it appears that the City would be losing out on \$192,000 in interest. This is not the case since the accelerated payment schedule partially protects the City from the time-value loss of money.

For example, the developer would pay \$100,000 each year from the end of years 1 to 5 inclusive. Stated in today's dollars that amounts to \$350,877. As a result, the City loses only \$49,123 under the restructured agreement.

The \$49,123 in lost interest should be weighed against the fact that the development may not have proceeded if the "no interest" scenario 2 agreement was not an option.

Assessment Growth

Increasing the flexibility of our development charge deferral agreements would promote more hotel and motel development. Not only would this address the City's hotel and motel room shortage, but these flexible agreements would also enable more non-residential development to take place, a step in the right direction to lessening the City's residential tax burden.

Looking at our example, assuming the hotel development takes place on vacant land, this property may increase in assessment by \$5,000,000. That would result in an annual municipal tax increase of about \$163,000 being levied on the property. In less than 4 months our \$49,123 in lost interest is recovered through taxes.

Lower Accounts Receivables

Restructured agreements with shorter lengths and annual payments would allow the City to collect its accounts receivables sooner. As with any receivable, there is the risk that the payment may never be received. By collecting the receivable sooner this risk is lessened. Accounts receivable turnover is one factor that credit agencies consider when determining their rating.

Maximizing Development Potential

The revision to the development charge deferral policy is ultimately about maximizing development potential. The City's number one strategic priority is growing our local economy, which involves attracting and retaining business. Flexible deferral policies allow us to be open to development and the benefits associated with it, i.e. increased assessment base, local job creation, and the domino effect of development attracting other development.

Staffing: none

Legal: none

POLICIES AFFECTING PROPOSAL:

Should this recommendation be approved, the City's policy on development charge deferral agreements would provide hotel and motel developers with alternative financing options while allowing the City to collect its fair share of development charges.

**CONSULTATION WITH RELEVANT
DEPARTMENTS/AGENCIES:**

N/A

CITY STRATEGIC COMMITMENT:

- Encouraging Economic Development
- Investment in Infrastructure
- VISION 2020 – A Sustainable City of Hamilton
- Investing in Safe Water for Today and Tomorrow
- Providing Quality Community Services

ORIGINAL ARTICLES

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